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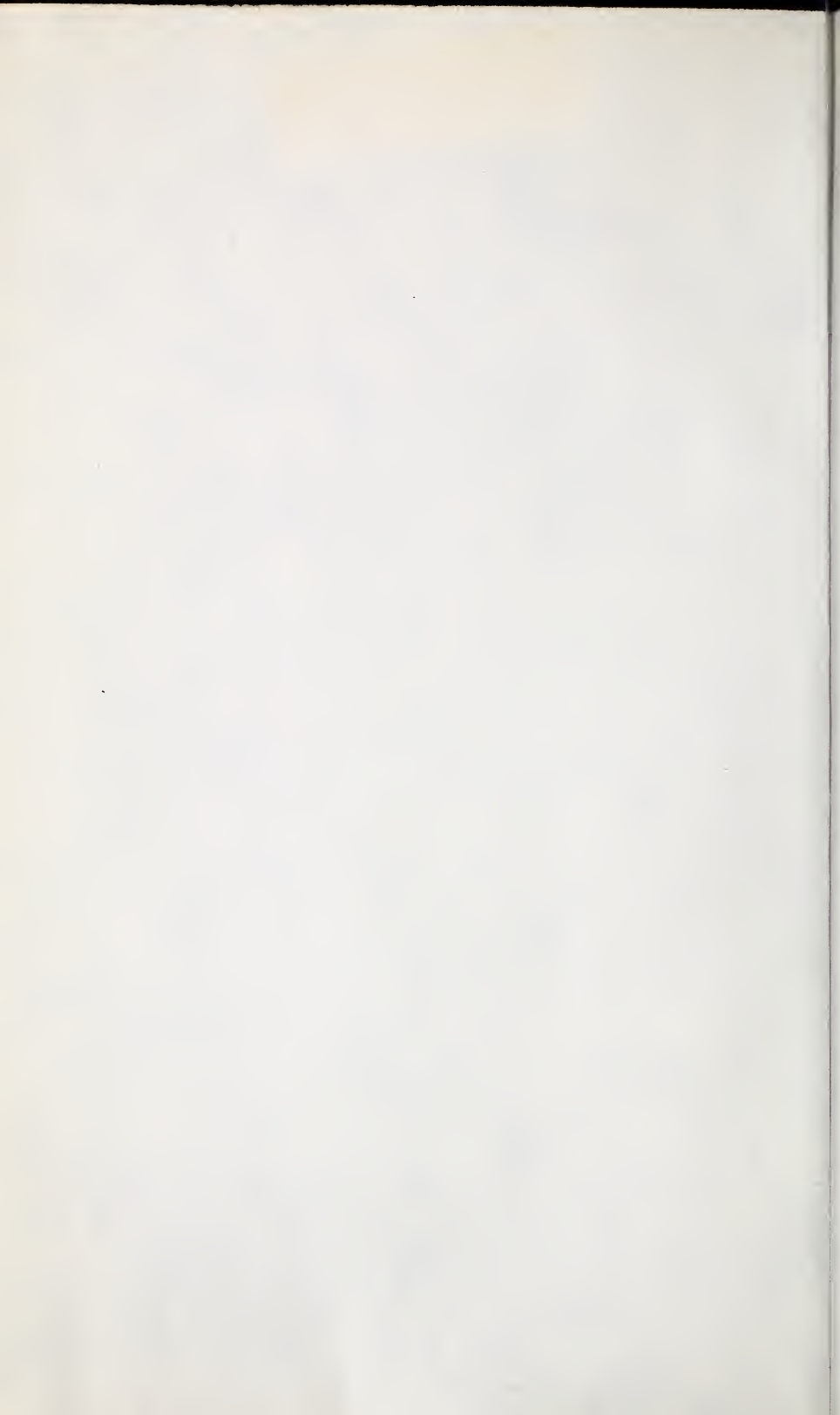
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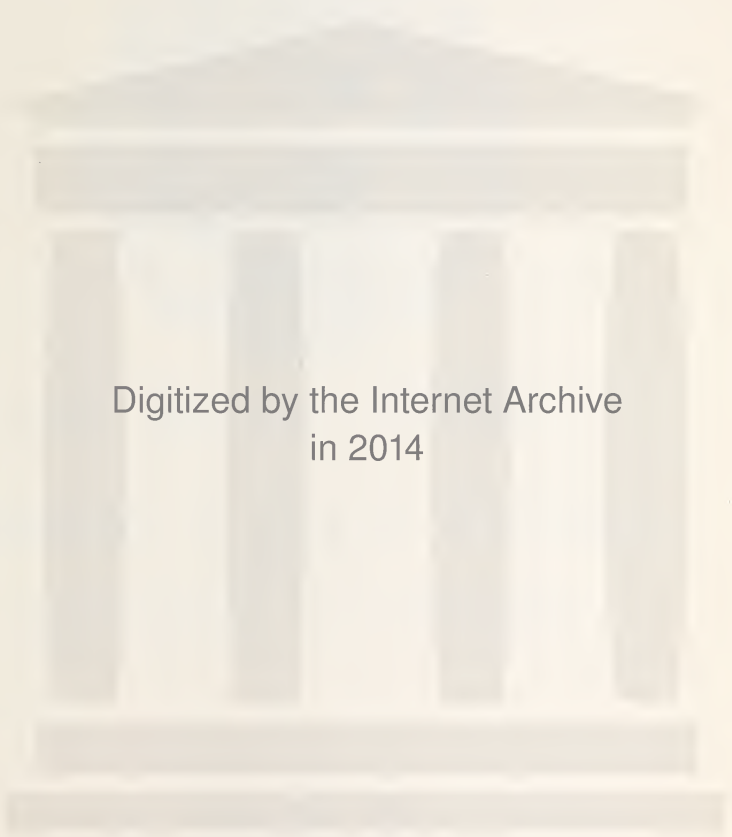
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VOLUME XL.

1899.

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Pleadings and Depositions

IN THE

Duchy Court of Lancaster

TIME OF

EDWARD VI. AND PHILIP AND MARY.

EDITED BY

LIEUT.-COLONEL HENRY FISHWICK, F.S.A.

PRINTED FOR

THE RECORD SOCIETY.

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INTRODUCTION.

THE Extracts in this (the third) volume of the Pleadings and Depositions relate to the period between 1 Edward VI. and 5 and 6 Philip and Mary, *i.e.* from A.D. 1547 to 1558.

It may be well to state that the marginal references do not in every case give the exact date of the Pleading ; they are quoted here as given in the printed calendar.

In making the selection of documents I have avoided including such as have in any form already been printed.

H. F.

THE HEIGHTS,
ROCHDALE.

Errata.

VOL. II.

- Page 50, 4th line from top, for *in Liverpool* read *and at Liverpool*.
Page 112, in the heading, before *Chatterton* insert *Edmund*.
Page 150, 8th line from top, for *Harvey* read *Marney*.
Page 171, in the heading, for *John Nowell* read *James Nowell*.
Page 178, in the heading, for *Sir John Dercy* read *Sir Arthur Dercy*.
Page 211, omit Footnote.
Page 233, *Decree and Order*, this belongs to the case pp. 81-83 in Vol. I.
Page 235, 9th line from bottom, for *seal John Pardon* read *Soul Jesus pardon* [in the original MS. the word is distinctly written *seal*, but it is obviously a clerical error].
Page 237, Footnote, for 1573 read 1513.
Page 243, 15th line from bottom, for *Richard Huxley* read *Hugh Huxley*.
Page 250, omit Footnote.

VOL. III.

- Page 25, 13th line from top, for *Gate* read *Gage*.
Page 52, 10th line from bottom, for *Wash* read *Waste*.
Page 77, 6th line from top, for *Sulley* read *Sawley*.
Page 98, 4th line from top, for *Tailor* read *Talbot*.
Page 98, 1st line from top, for *Richard Aspeden* read *Robert Aspeden*.
Page 254, 10th line from top, for *Worcorn* read *Worsthorne*.

Abbreviated Legal Terms used in the original MSS. :—

- Cr. Johis prox=the morrow of St. John next.
Terminō s̄ci Hi†=the term of St. Hilary next.
Tres' Hilar'=within 14 days of Hilary.
XV. Trint. prox=The Quiden of Trinity next.
13 East=within 13 days of Easter.

Pleadings and Depositions
in the
Lancaster Duchy Court.

TIME OF EDWARD VI.

JAMES BANKES *versus* CLEMENT BANKES AND RICHARD
JACKESONE *re* FORCIBLE ENTRY AND TORTIOUS
POSSESSION OF A MESSUAGE, &C., CALLED
HYNES FERMHOLD, IN HAWKSHEAD.

To the Right Worshipful Sir Thomas Paget, Knight.

“IN most humble wyse shewith and complayneth unto yor good
Maistershyp yor suppliaunt James Bankes, of Hawkyshed,”
in the county of Lancaster, yeoman, that plaintiff, by the space
of ten years or more, has been peaceably seised for life, by virtue
of a custom called tenant-right, of one messuage and certain acres
of land, meadows, pastures, commons and commodities lying in
the parish of Hawkyshed [Hawkshead], called Hynes fermehold
parcel of the Dukedom of Lancaster, and during all the said term
has paid the rents, customs, and services due to the King’s
Majesty that now is and to his “gracis deer and welbelovyd
father” King Henry VIII.

Vol. xxiii. 1
[Calendar 1.]
B. 8.
Edward VI.
[1547-48.]

¹ These references are to the original MSS. in the Record Office.

Now so it is that of late one Clement Bankes, of Hawkyshed [Hawkshead], and Richard Jackestone, of Ulverstone, in the said county, accompanied by divers other riotous persons to plaintiff unknown, riotously, with force and arms not only wrongfully entered the said premises and expelled plaintiff, his wife, children and servants from the same, and will not allow them to enjoy the same, but also assaulted Jane Bankes, plaintiff's wife, and beat and wounded her to the danger of her life, by means of all which they caused plaintiff damages to the "vale" of £100.

As the premises are parcel of the said Dukedom plaintiff prays that proces of Privy Seal may be directed to the said Clement and Richard, commanding them to appear to answer to the premisses.

"Termino s̄ci Hillarii Anno R̄R Edwardi sexti primo [1548].

Hereupon a Privy Seal to Clement Bankes and Richard Jacson to appear xvth Pasche prox."

ROBERT WORSLEY *versus* THOMAS CHADDOCK AND OTHERS,
re TRESPASS AT BOOTH'S MANOR, LOSTOCK.

To the Right Hon. Sir William Pagett, Knight.

Vol. xxiv.
[Calendar 2.]
W. 3.
Edward VI.
[1547-48.]

SIR Robert Worsley of "ye bothes" [The Booths] in the county of Lancaster, Knight, complains that he was seised of an estate of inheritance from his ancestors of the manor of Bothes [Booths], and has quietly taken the issues and profits thereof for fourteen years. Nevertheless, so it is that Thomas Chaddock, gent., Peres Chaddock, gent., and Jamys Chaddock, gent., of Tyldesley, in the County of Lancaster, with divers other evil persons to plaintiff unknown, on the 21st day of June in this present 1st year of King Edward VI. [1547], at Bothes assembled themselves together one hour before sunrise, with bows, arrows, and bucklers, and with force broke open one haybarn within the precinct of plaintiff's mansion, and "took one tame redd dere beyng a stagge, with a coler and bellys abowte his neck and cropped off ye ffar ere," of the proper goods of plaintiff; and

carried it away into the dwelling house of Hugh Chaddock, their father, in Tylleslay [Tyldesley], where they kept it two days, and then conveyed it to the house of Sir John Atherton, Knight, in Lostock, in the County of Lancaster, where they killed it and converted it to their own use and profit.

Plaintiff prays that Letters of Privy Seal be directed to the said Thomas, Peres, and Jamys Chaddock commanding them to appear and answer.

“Termino Michis anno rr E. vj^{ti} primo [1547].

Hereupon a Privy Seal to Thomas Chaddocke, Pers Chaddocke, and James Chaddocke to answer viij^{as} Hiñ. prox.”

HUGH WATTON, CLERK, *versus* ROBERT WAMISLEY AND OTHERS,
re RIGHT OF ADVOWSON AND PATRONAGE OF TOWNELEY
 CHAUNTERY IN BURNELEY [BURNLEY] CHURCH.

To the Right Worshipful Sir John Gage, Knight.

HUGH Watton, clerk, complains that where Richard Towneley, Esq., and his ancestors whose heir he is, have been from time immemorial seised as of fee and right of the advowson and patronage of the chantry called Towneley Chantry, within the church of Burnley, in the county of Lancaster, and where plaintiff and his ancestors have during all that time been accustomed to give the said chantry upon every “voydyng” thereof to an able and convenient clerk, who by virtue of such gift has always enjoyed the same without the admission or Institution of the Ordinary of the diocese; and where plaintiff being so seised, gave the said chantry, being void by the death of Sir John Ingham, clerk, to Sir Peter Adlyngton, clerk, who accordingly occupied the same and enjoyed the rents and profits of all the lands, tenements, and revenues thereof during his life, as a chantry priest of the said chantry. And the said Sir Peter died about Christmas last past, after whose death the said Richard Towneley gave the said chantry, with all the lands, tenements and rents

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 [Calendar 2.]
 W. 6.
 Edward VI.
 [1547-48.]

thereto appertaining, to plaintiff, and nominated him to be chantry priest during his life, by virtue whereof he is seised thereof as of fee and right and serves the cure thereof. But so it is that Ellys Esmonallhaughe, Robert Dobson, Robert Wamersley, Richard Carter, Hugh Hakkyng, Christopher Pope, and other tenants and farmers of certain lands and tenements appertaining to the said chantry, at the command of Richard Towneley, gent., without just cause refuse to pay their rents and farms, amounting altogether to six or seven marks, due to plaintiff, saying that the right and title of the said parsonage belongs to the said Richard, the father.

Forasmuch as plaintiff can have no remedy at the common law without the aid of Richard Towneley the father, and because neither he nor the said Richard Towneley the son may or ought to try any of the titles to the premises, and because the said lands are within the jurisdiction of this court, plaintiff prays that His Majesty's Letters may be directed to the said Ellys and others commanding them to appear and answer.

"Termino Trinitatis A° rr E. vj^{ti} primo [1547].

Hereupon a Privy Seal to Ellys Esmonallhaugh, Robert Dobson, Robert Wamersley, to appear mense Michis prox."

MILES GERRARD, MAYOR OF WIGAN, *versus* SIR ROBERT
WORSLEY, KNIGHT, *re* RIGHT OF THE MAYOR TO
SIT WITH THE JUSTICES AT SESSIONS.

*Interrogatories to be ministred to Sir Robert Worsley, Knyght, partie
deffendaunt, agaynst Miles Gerrard, Esquyer, plaintiff.*

12th November, 3 Edward VI. [1549].

Vol. liv.
[Calendar 6.]
G. 1.
Edward VI.
[1547-48.]
G. 1. a.

ROBERT Worsley, of Bothes [Boothes], in the county of Lancaster, Knt., aged about 34, examined at Westminster, does not know of his own knowledge that the "Mayre" of the town of Wigan should sit with other Justices of the Peace keeping their Sessions within the said town.

Has heard that the Mayor of the said town sat with other Justices of Peace, but not as a Justice of the Peace.

Deponent being a Justice of the Peace, "has sytten hem selff" on the bench with the said persons during their several mayoralties, but he never looked upon them as Justices of the Peace.

Richard More, Mayor, successor to plaintiff, sat on the bench at Wigan at the Sessions of Peace held there after the feast of St. Michael the Archangel, deponent being then present.

Plaintiff peaceably sat down on the bench with other Justices as soon as he came into court, and presented certain bills of indictments. The Justices there sitting did not demand of plaintiff the residue of the bills not presented by the jury, but the Clerk of the Peace asked for them.

Plaintiff did not say to the said Justices that if they wanted such bills they should seek them themselves, but used these words to deponent and the said clerk.

Deponent rose from the place where the sheriff usually sat and went to the bench and sat down between Sir Thomas Gerrard, Knight, one of the Justices, and plaintiff, saying to the latter that it was no place for him, but did not in a great anger and malice take him cruelly by the arm and pull him down from the bench where he sat, of malice prepensed before that time or of any malice conceived at the time against plaintiff.

Deponent did not cause any number of his tenants or servants other than his "wayetyn" servants or officers to be there of set purpose to help him to take plaintiff from the said place, neither did he himself lay hand on plaintiff.

G. 1. b.

Deponent had six servants there named Roger Hyndley, Thomas Southern, John Cuppyng, James Lee, Unat Bradshawe, and Hugh Chalener, and no more.

"Never a on" of deponent's servants or adherents ever leapt or came over the bar before the Justices in riotous manner with their swords and daggers partly drawn and ready to be drawn.

9th July, 3 Edward VI. [1549].

Myles Gerrard, of Ince, in Makerfylde [Mackerfield], in the county of Lancaster, Esq., aged about 40, says there was a Privy Sessions held at Wigan, 1st June, 3 Edward VI.

G. 1. d.

The said Sir Robert Worsley, Knight, sheriff of the said county, was then present.

There was a jury sworn to enquire for the King at the said Sessions, deponent being one of them.

Does not know how many bills of indictment were sent to the jury to be inquired into.

The jury were agreed to bring in their verdict, and deponent was deputed to speak for them.

After deponent had delivered the bills that were found to the Justices, and those that were not found to the Clerk, when he had given the verdicts, Sir Thomas Gerrard, one of the Justices, said to deponent: "Mr. Mayre, here ys yor place, Sytte you adowne," whereupon deponent sat down on the bench beside them.

There were two or three of deponent's servants present at the said Sessions, but how many of his adherents and friends he does not know. None of them leapt over the bar of the court that stood before the Justices, holding their hands upon their weapons.

Deponent never said that if it had not been for others there present it should have cost the said sheriff his life.

None of deponent's servants, tenants, or adherents did "presse or covete" to draw any sword or other weapon in the court openly before the Justices.

RICHARD CROMPTON *versus* JAMES BORDMAN, MARGARET
TRAFFORD, AND OTHERS *re* FORFEITURE OF CLOTHS
AND COTTONS FOR SUBSIDY AND ULNAGE,
IN BURY, MANCHESTER, &c.

*To the Right Honorable Sir John Gage, Knight, Comptroller of the
King's Household and Chancellor of the Duchy of Lancaster.*

Vol. xlix.
[Calendar I.]
C. 2,
1 Edward VI.
[1547-48.]

RICHARD Crompton, of Burye [Bury], in the county of Lancaster, merchant, complains that where James Bordman, of Manchester, servant to Margaret Trafford, widow, in March last, by the command of the said Margaret, seised two packs of cotton, of plaintiff's goods, as a forfeiture, by colour of the office

of ulnager, without any just cause; which said packs the said Margaret still wrongfully detains. Plaintiff made relation hereof to your Mastership in Easter term last, whereupon you directed a letter to the said Margaret, desiring her to have the said packs appraised by four indifferent men, and then to deliver them to plaintiff; also to be at the next Assizes held at Lancaster, to put in an information for the trial of His Majesty's right in that behalf. Now so it is that the said letter was delivered to the said Margaret by plaintiff, but she would make no satisfactory answer and still keeps the said packs.

As plaintiff is only a poor man labouring for his living, and the said Margaret is a woman of great substance and riches, and greatly "ffrended, kynned, and alyed" within the said county, he prays that the King's "most drede" letters may be directed to the said Margaret and James Bordman, commanding them personally to appear to answer the premisses.

The answer of James Bordman.

C. 2. a.

Defendant not knowing the said two packs to be worth £15, says that King Henry VIII. by indenture dated 6th July, in the 31st year of his reign [1539], made between himself of the one part, and John Bourne, gent., of the other part, granted to the said John the subsidy and ulnage of all the "clothes" to be sold within the County Palatine of Lancaster, together with the moiety of the forfeiture of such cloths as should be set out to sale, not sealed with the seal thereto appointed, to hold from the feast of St. Michael next ensuing for the term of thirty years, he paying yearly for the same to the King 40s. sterling of the ancient farm and 20d. of a "newe encrease." Provided always that the said farmer shall yearly appear before the auditors of the Duchy of Lancaster, and make a faithful account of all such forfeitures, and pay the said moiety thereof.

So seised, the said John Bourne for a sum of money paid to him by William Trafford, sold to him all his term and interest in the premisses.

Afterwards by his will the said William Trafford bequeathed his said term and interest to Margaret Trafford, widow, his

mother, and mistress of defendant. The said William died at Manchester, after whose decease the said Margaret was possessed of the said premisses.

Richard Crompton, plaintiff, was possessed at Manchester of certain cloths which he conveyed to the house of James Honkynson there, and packed them into two packs, without having any of them sealed with the common and usual seal thereto provided. Plaintiff being a common buyer and seller of cloths, afterwards caused the said two packs, being "onsealyd" to be conveyed to Westchester, there to be sold, until he came and brought the same to a village called Stretford, two miles from Manchester, and in the direct way between Manchester and Chester, whereupon the said Margaret hearing that the said packs were set out to sale, being unsealed, sent defendant to seize the same, to the use of the King and of herself, which he did and brought them again to Manchester, where the said Margaret caused them to be apprizd by four indifferent persons who valued them at £11 10s. They were then sold for that amount and the said Margaret proffered to account for the moiety of the said forfeiture to the King's auditor at his next coming, and kept the other moiety to her own use.

The answer of Margaret Trafford.

- C. 2. b. Defendant says that plaintiff commonly traded with John Offeley, of Chester, merchant, and had two packs of "cootons" packed up, neither of them being properly sealed, which he sent to the village of Strettforde.

Appraisers { Rauffe Browne, Steven Beche,
Robt. Sarracowe, Richarde Browneswort.

- C. 2. d. Commission dated 29th November, 1 Edward VI. [1547], directed to Sir Thomas Talbot, Knight, Sir Philip Egerton, Knight, Robert Langley, Knight, and Richard Lee, of Bageley, Esq.

- C. 2. h. Depositions taken at Manchester 6th April, 2 Edward VI. [1548].

William Bawmford of Stretford, tenant to Sir Edmund Trafford, Knight, aged about 60, says that about the 19th day of March,

1 Edward VI. [1547], the said Richard Crompton delivered to him 4d. to pay for the sealing of two packs of cottons, containing twenty pieces, lying at the house of James Hankynson. Deponent packed the cloths one day sooner than plaintiff appointed, and set them forth without the knowledge or consent of plaintiff, quite forgetting to pay the duty for the ulnage.

When the said cloths were seised witness went to the said James Burdeman at Stretford, desiring him to take the 4d. which plaintiff had given him, and to let him have the cloths, but the said James replied that he would show him no such friendship.

The carrier took the said packs away one day sooner than plaintiff had appointed.

James Hankynson of Manchester, "shereman" tenant to Henry Tetlowe, servant to my Lord of Derby, aged about 50, says that William Bameford showed him 4d., and said that plaintiff had given it to him to pay for the sealing of two packs of cloth. Deponent offered the said Burdeman 4d. for the ulnage of the same within half-an-hour after they had gone and asked him to go to Stretford to seal the said cloth, who answered that he would come to deponent in "thother morninge," but the same night he went to Stretford and seised the said goods.

Rauff Awenn, of Stretford, tenant to Sir Edmund Trafford, Knight, aged 27, as above.

Thomas Raneshaye, of Stretford, tenant to the said Sir Edmund, aged 46, as above.

John Gee, of Stretford, tenant to the same, aged 60.

..... Bradshaye, of the parish of Bolton, tenant to Lawrens Bronelawe, gent., aged 44, knows that the cloths were not sold or set to sale to any man.

Heard James Burdeman say that James Hankynson offered him 4d.

William Broke, of Little Bolton, in the county of Lancaster, aged 46, tenant to Robert Bolton, gent., says that for twenty years he has known plaintiff to be a buyer and seller, and that plaintiff has sold "Cottonnes" to John Offeley, of Chester, divers times within the last four or five years.

C. 2. i.

Rauff Awenn, of Stretford, aged 27, says that he took two packs of cottons to John Offeley by the command of plaintiff. Deponent received twenty pieces of cloth at the house of James Hankynson, in Manchester, on March 19th, 1 Edward VI. [1547] from Will. Bameford, which said cloth the said Ric. Crompton, plaintiff, desired him to carry to Chester. When the said packs were opened at deponent's house it was found that the cloths were not sealed.

Thomas Dowdson, of Stretford, tenant to the said Sir Edmund Trafford, Knight, aged 56, as above.

Rauff Broune, of Manchester, in the county of Lancaster, clothier, tenant to Anne, late the wife of Thomas Bek, aged about 40, says that James Burdeman hearing that the said cloths had been sent off unsealed, pursued the carrier and seised the said goods in Stretford at the house of the carrier.

John Offley told deponent that he had written to Richard Crompton for forty pieces of cotton and had received twenty of them. Deponent was one of the "Praysers."

William Rede, of Manchester, "tailour," aged about 24, and

Thomas Jaksonn, of Manchester, servant to the said Sir Edmund Trafford, Knight, aged 55, confirmed the above.

DECREES AND ORDERS, EDWARD VI. BOOK 8, F. 206.

EASTER TERM. 3 EDWARD VI. [1549].

Inter
Crompton
plaintiff, et
Margaretam
Trafforde,
widow, et
Jacobii
Burdman,
defendants.

Where in the matter in variance depending in the Duchy Chamber at Westminster, before the Chauncellor and the Councell of the said Duchy, Betwyxte Richard Crompton, complaynant, and Marget Trafforde, wydowe, and James Burdeman, servant to the said Marget, defendantes, concernynge two packes of Cottons of the goods and cattelles of the said Complaynant, it is now ordered, awarded, and decreed by the said Chancellor and Councell, that the said Complaynant shall have in recompence of the saide packes of Cottons to be payed by the said defendants the some of xiiij^{ti}. vj^s. viij^d. to all intentes of good and lawfull money of Englonde, a thys syde the fyrste day of Julye next ensuege, upon the payne of fortye poundes.

THE TENANTS OF PENWORTHAM *versus* SIR HENRY FARRINGTON,
THE KING'S FARMER.

COMMISSION dated 2nd December, 38 Henry VIII. [1546],
directed to Andrew Barton, Esq., George Browne, his
Majesty's Attorney at Lancaster, John Bradyll, Roger Ryshton,
and Henry Singleton, commanding them to call before them
certain persons and to examine them upon certain interrogatories
which Sir Henry Farrington, farmer of the King's manor of
Penwortham, shall bring forward.

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[Calendar 2.
P. 2.
1 Edward VI.

Commission dated 26th February, 1 Edward VI. [1547],
directed to the above because the above commission is void by
the death of King Henry VIII.

P. 2. a.

Interrogatories to be administered on behalf of the King's
tenants of Penwortham.

P. 2. b.

Do. on behalf of the King brought in by Sir Henry Farrington,
Knight.

P. 2. c. d. e.

Do. to examine the King's tenants of Penwortham and other
inhabitants concerning the King's inheritance and other mis-
demeanours supposed to be done by Sir Henry Farrington, Knight,
the King's steward there, as appears by a bill of complaint in the
name of William Forshay and James Forshay his son.

P. 2. f.

Depositions and sayings of Sir Henry Farrington, Knight, to
prove that the King and his progenitors have been seised of a
several turbary and "fermyd mosse," within the lordship of
Penwortham, in the county of Lancaster.

P. 2. g.

The said Sir Henry, aged 76, says that about 17 or 18 Henry
VII. [1501-03], Sir William Walles, parson of Ecclestone, was the
King's farmer of his several moss and turbary of Penwortham, and
paid yearly for the same 40s., at which time William Forshaw, one
of the plaintiffs, had married a woman who said she was a
daughter of a sister of the said Master Walles, in consideration
whereof he (Walles) caused Rauf Eyves, his bailiff, and "mosse
Reyve," to appoint a place within the said moss where the said
Forshaw and divers of his tenants have got turves ever since up to
the present day. William Wordyn, yet living, who at that time

had married a daughter of the said Eyves, was present the first time the said Forshaw or his tenants got turves there or within the King's said several moss of Penwortham, except they paid rent for the same. Before that time the said Forshaw, his father, and all other his ancestors and their tenants, got their turves in a common and waste within the said lordship of Penwortham called Brounhyll and Hellehotes.

The late Prior of Penwortham and divers of his tenants have got turves with deponent's licence within the said moss, without paying any rent, because the said Prior at the special labor of Richard Farrington, Robert Swansey, and the said Forshawe, granted to deponent several leases of certain "tend" corns and grains within the townships of Leylond, Farrington, and Whytyll [Whittle], and also three tenements within the towns of Leylond and Farrington. As deponent thought that the said leases were of greater yearly profit than ten times the value of the moss rent of the said late Prior, Forshaw and their tenants, he has suffered them to get their turves without paying rent.

For fear that Forshaw and the Prior, by reason of their long continuance would, after his decease, claim the same as their right, deponent has often gone to the said fermyd moss where they get their turves and discharged them, and has also caused John Wyndor and Richard Sergeant, late moss reves, and Robert Serjeant, now bailiff and moss reve, to discharge them several times and to demand rent.

There is a certain common and waste within the lordship of Penwortham called Crokinges, and all the men there near adjoining are "namyd" men dwelling in Crokinges; also a moor named Penwortham Moor, and all men dwelling near are "namyd" men of Penwortham; also a common and waste named Mydlefurth [Middleford], and all the men living near are "namyd" men dwelling in Mydylfurth; and in the west and uttermost part of the lordship of Penwortham there is a common and waste containing about 100 acres, named Brounhyll and Helholes, where plaintiff, his father, all his ancestors, their tenants, the late Prior, the freeholders, copyholders and their tenants, the King's tenants,

and other the inhabitants have used to get their fuel at their pleasure without paying any rent, but only since the said Master Walles was farmer of the King's several and fermyd moss. Divers of the inhabitants get their fuel there to this day. The Brounhyll and Helleholes is partly wasted and in decay, wherefore a great number of the King's tenants get their fuel within the lordship of Hoton and within the turbary and moss of Penwortham, paying their rent yearly for the same, as have done for 40 years.

Deponent has been farmer to the said moss for 41 years, the boundaries whereof known, taken and occupied ever since he can remember, beginning in the east at a tenement named Tardes, on north going west following the common and waste of Midlefurth on the north, and so following the same way to the south side of a tenement in Midlefurth, now in the occupation of Richard Cooke, so following a cartway to the west end of the said tenement, and so following a "wayne gayte" going south to a "platt" going over the "wayter" of Wyniot, called Pryors platt, and so upon the south side following the stream of Wyniot up to the head thereof; and so following the division between the said several moss and the lordship of Farrington unto the tenement of Tardes aforesaid, which is the first division upon the east; within which said boundary divers of the inhabitants of the towns of Preston, Fyshwyke [Fishwick], Walton, Clayton, Curedyn [Cuerdon], and Penwortham to the number of eight or nine score, have yearly got their turves and paid rent for the same, as appears as well by rentals for 41 years, as by the saying of the mosse reve yet living who has received the rents since the death of his father 9 years ago.

About 40 years ago in "exchewing of further troble and busynes," deponent caused the said John Wyndor to appoint to every township a certain place in the said moss where they should get their turves; to wit, for the inhabitants of Fishwick a place called Fyshewyke Rowmes; for the inhabitants of Walton, a place called Walton Rowmes; for the inhabitants of Preston, who amount to about 100 or 120 persons, a place called Preston Rowmes.

There are two "dyvers plattes" called Meaneway Plat and Pryors Plat, going out of the said moss over the water of Wyniot to a turbary within the lordship of Hoton called Cokersaund Moss; divers of the inhabitants of the said towns get fuel and turves from Cokersaund Moss. Either they pay for their passage over the said plats and carrying through the said several moss, or else they have licence given them by the said Sir Henry or his reve.

As deponent was farmer of the said premises he had had sheep going there for about 41 years. As the cattle and sheep of the inhabitants of Penwortham did pasture within the said premises and "forbycause" there could be no "defence" made between the said severall moss and the said common of Penwortham, deponent's sheep commonly pastured within the said common, and so do unto this day.

P. 2. i.
for plaintiff.

Rauff Sergeaunt, of Penwortham, aged 50 and more, tenant to Nicholas Ambrose, was servant to Richard Sergeaunt, late bailiff of Penwortham, and acted as his deputy. At that time nobody got turves for fuel upon the said moss unless they paid rent or had licence.

Rauff Wuerden, of Penwortham, tenant to John Fletewod, aged 42, says that some persons paid rent, others did not.

William Symond, of Houghwyke, aged 68, tenant to Peres Faryngton, as above.

Depositions taken the said 18th January, 38 Henry VIII. [1547], for defendant.

William Forshaghe, Robt. Aghton, Ric. Taleor, Will. Wuerden, clerk, Rauff Sergaunt, Will. Wuerden the elder, Thos. Forshawe, Rauf Wuerden, Ric. Coke, Thurstan Heskythe, Laurence Henrison, Robt. Langton, Christ^r Charnley, Will. Tapley, Geo. Wylkynson, Thos. Godbeher, Will. Wuerden, junior, Edmond Caterall, Evan Charnley, Robt. Smythe, Will. Tomson, Ric. Burges, Will. Holynhurst, James Bruworthe, Ric. Wyldyng, John Carter, John Eyves, James Mercer, Christ^r Tayleor, Robt. Eyves, and Thos. Robynson, of Penwortham, say that they never heard of any complaint made by the said James Forshaghe against the said

Sir Henry Faryngton, the King's farmer. The said James went before them in *propria persona* at Penwortham and declared that he made the said complaint himself without the advice, counsel, or consent of the inhabitants there.

Will. Wuerden of Penwortham, the King's tenant, aged 76, that about 42 years ago Will. Forshaw took turves out of the said moss and has done so ever since.

Deponent says that Rauf Eyf, moss "reyf" to Sir Wm. Walles, then farmer of the said moss, appointed the said Forshaghe and his tenants, and the Prior of Penwortham and his tenants, to get their fuel and turves within the said moss. Before that time they used to get them in the common and waste grounds called Browneyll and Helholes within the said lordship.

Robt. Sergaunt, tenant of the King and a copyholder of the said manor, aged 28, moss "reyf" and officer to the said Sir Henry of the turbary there, knows a turbary called Penwortham Moss, known to be the King's "severall or fermed mosse."

For nine years deponent has received sundry sums of money from the tenants of Penwortham, Preston, Cuerden, Walton, Clayton, and Fyshewyke [Fishwick], for their turves and fuel got in the said moss.

The tenants did not take turves from the said several moss without licence. The said Sir Hen. has had his sheep depastured there for sixteen years.

Besides the said moss, there are wastes or commons in Penwortham called Crokynges, Browehyll, Helholes, Penwortham more and Myddlefurthe [Middleford].

The tenants depasture their cattle within the said moss by the sufferance of the said Sir Henry, in consideration that the cattle he has there depasture upon the wastes and commons amongst the tenant's cattle.

The said Sir Henry used to sell turves "dolven" within the bounds following: to wit, from a certain messuage on the east part of the said moss called Tardyes house, leading northwards to a wain gate near a "cloyse" of deponent's, and so turning westwards to a "cloyse" of the inheritance of Robert Holynhurst,

and so following the said "cloyse" to the south-west "noke" thereof, and thence to the Pryor Platt, and so to the head of Wymote, and thence to the said Tardyes house, which is the first devyse.

Deponent further produced certain rentals showing that people had paid rent for turves and for passage over the said moss. Deponent and Richard Sergeant, his father, have paid rent for their turbary got upon the said moss.

P. 2. j

William Wuerden the younger, freeholder of the King's lordship of Penwortham, aged 40; John Gyles, of Penwortham, aged 50 and more, tenant to Sir Edmond Fletewod; Ric. Coke, of the same, aged 60, tenant to Robert Holynhurste; Thomas Bykerstathe, of the same, aged 80, copyholder; Edmond Meyr, aged 32, late tenant to Robert Aghton, freeholder of Penwortham; George Wylkynson, aged 33, tenant of the said Rob. Aghton; Edmond Dawson, aged 27, tenant to Christopher Charneley, freeholder in Penwortham; Will. Wuerden the elder, aged about 52, tenant to Alex. Charnley, freeholder of the said lordship; Christ^r Tayler, aged 40, tenant to his Majesty there; and Thos. Godbeher, aged 60, tenant to the said Christ. Charnley, dwelling at Penwortham, say that they pay yearly rents for their turbary got in the said "fermed" moss of Penwortham, to the King's farmer there, and have done so all the time they occupied the said turbary.

Thomas Typpyng, late "meyr" of Preston in Amoundernes, aged 50; William Bostocke, of the same, aged 60 and more, tenant to Peres Faryngton; Robert Bolton, of the same, aged 58; and Richard Dugdale, of the same, aged 70 and more, say that they have paid rent for passage over the fermed moss of Penwortham to Hoton moss, some of them for 30 years and others for 20.

Depositions on behalf of defendant.

John Cheshyr, of Faryngton, aged 40, freeholder to the late Prior of Penwortham, says there is a certain moss in Penwortham known to be the King's "fermed" moss.

For the last 30 years Sir Henry Faryngton, now farmer there, has yearly taken farm for the said moss of sundry persons dwelling in divers townships near about.

Nobody has cut turves there except those who paid rents for the same or who had licence from His Majesty's farmer.

Knows that Sir Henry has had sheep depastured upon the moss for all the time he can remember.

The waste grounds lying in Penwortham have been called by several names, such as Crockynges, Penwortham Moor, Brownehyll, Helholes, and Myddlefurthe.

The cattle and sheep of the inhabitants of Penwortham have at all times been used to depasture upon the said moss.

The sheep of the King's farmer that have been kept there have depastured upon other parts of the said waste grounds without interruption from anybody.

Many turves have been "dolven" upon the said moss and rents therefore paid to the King's farmer.

Rauff Sergaunt, aged 58, one of the King's copyholders in Penwortham.

The said Sir Henry has sold turves that have been yearly "dolven" upon the said moss within the following bounds, from a certain house standing upon the part thereof called Tardyes House to a house in the occupation of Richard Cope there, and so from thence to a place called Pryors Platte, over the water of Wymote [Wyniote].

Christ^r Sergeaunt, of Walton-in-the-dale, aged 40, tenant to Sir Thomas Langton, Knight; Will. Wuerden, of Penwortham, fisher, aged about 52, tenant to Alexander Charnley; Henry Forshaghe, of Leyland, aged 57, tenant to the King; Rauff Bernes, of Leyland, aged 76; William Forshaghe, gent.; Edmond Pedder, Richard Lyvyssay, Robt. Sergaunt, Robt. Langton, Alex^r M^oshall, Ric. Garthstan, Robt. Wyldyng, Edmond Caterall, Laurence Bayn, James Symond, Robt. Smythe, Edmond Cocket, Thos. Horneby, Robt. Wuerden, James Bucke, Richard Bernes, Thos. Waryng, Ric. Winfeld, Robt. Wilk^mson, Thos. Rydyng, Thos. Bykerstathe,

Ric. Wyldyng, Rauff Tayler, John Barnes the younger, James Mercer, and Thomas Robynson, dwelling in the said lordship of Penwortham, all depose as above.

P. 2. k. Certificate of the Commissioners:—Andrew Barton, John Bradyll, Roger Ryssheton, and Henry Syngleton.

The said Commissioners met at Penwortham 18th January, 38 Henry VIII. [1547], and again 21st March, 1 Edward VI. [1547].

Depositions taken on the said 18th January for plaintiff.

William Forshaghe, of Penwortham, gent., father of the said James Forshaghe, plaintiff, aged 70, says that he and his tenants have got turves within Penwortham moss freely without payment, and he knows that other freeholders dwelling within the said manor have got turves and fuel there and paid nothing.

The tenants of Penwortham have, time out of mind, had common of pasture for all their cattle at all times of the year upon the moss and common of Penwortham, without interruption by the King's officers or servants.

Never knew that the said moss was enclosed or occupied in severalty before Sir Henry Farrington was farmer thereof.

Never heard the said moss called anything but Penwortham moss.

Robert Aghton, of Myddylforthe [Middleford], within the lordship of Penwortham, freeholder of the King, aged about 30, never knew that any charterholder or freeholder of Penwortham paid anything for their turves or fuel to the said Sir Hen. Farrington or to anybody else.

Depositions taken 21st March, 1 Edward VI. [1547], for plaintiff.

Thomas Forshaghe, of Penwortham, aged 70 and more, tenant to Joan Forshaghe, widow, says that he, William Forshaghe, his father, and all their tenants, have had yearly for their necessary fuel, turves cut upon the said moss without paying for them.

John Bernes, of Penwortham, aged 66, tenant to the King and to John Fletewod, never knew that any tenant belonging to

the late suppressed house at Evesham paid anything for turves taken from the moss or common in Penwortham.

William Wuerden the elder, of Penwortham, aged 76, tenant to Thomas Sergaunt, copyholder to his Majesty, says there are many persons living within the lordship of Penwortham who yearly pay rent for the turves they get upon the said moss, but he himself paid nothing.

William Holynhurst, of Penwortham, aged 50 and more, tenant to William Forshaghe, has never paid anything for turves used in his own house, but has paid rent to Sir Hen. Farrington for turves sold by him to others.

Christopher Charnley, freeholder of his Majesty of the manor of Penwortham, aged about 56, as above.

WILLIAM BANASTER, LAWRENCE BANASTER, AND HENRY
BANASTER, *versus* RICHARD ASHETON, EDWARD
WORSELEY, AND OTHERS, *re* TITLE TO
LAND AND MESSUAGE IN CROSTON.

To the Right Honorable Sir William Pagett, Knight.

“IN most humble wise compleyneth” William Banaster and Lawrence Banaster, sons of Nycholas Banaster of Croston, in the county of Lancaster, lately deceased, that where one Thomas Asheton, Esq., deceased, was lawfully seised in his demesne as of fee, *inter alia*, of one garden or parcel of land containing one “rode” of land in Croston, and he being so seised about 26 years ago in consideration that the said Nycholas should build a dwelling house upon the same at his own costs, demised the said garden to the said Nicholas and to such of his children as the said Nicholas shall appoint to occupy the same after his decease, to hold the same for their lives, paying therefore yearly to Thomas Asheton and his heirs 6d. at the farm days in Croston accustomed: by force whereof the said Nicholas was lawfully seised of the said premises, and according to his promise built a dwelling house and a “backhouse” there, which cost

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him 40 marks and more. Afterwards, in consideration of the great costs which the said Nicholas had had, Thomas Asheton, with the consent of the co-parcenors and freeholders of the lordship of Croston, granted to the said Nicholas a parcel of waste ground adjoining the said garden, containing half a rood, to hold to him and his sons as above. So seised the said Nicholas built a barn and a "kowe" house upon the said waste ground. On the last day of May, 1 Edward VI. [1547], the said Nicholas being very ill, by his last will assigned the said house, barn, and other the premises to plaintiffs for their lives at the same rent. Now so it is that Edward Worseley of Croston, and George Nelson, with divers others, at the command of Richard Asheton of Croston, Esq., and Roger Asheton, brother of the said Richard, on the 2nd day of July in the said year [1548], riotously and forcibly entered the said premises, the said Nicholas lying dead in the said house at the time, and then and there did "arest" all such goods and chattels belonging to plaintiff and his brothers, to the value of about £20, and still keep the same to plaintiffs great loss and hindrance. Not content with that the said Edward Worseley and Roger Asheton, with others, on the 28th day of October in the said year [1548], again entered the said house and expelled plaintiffs from one-half thereof, which they still detain, and they daily threaten to expulse plaintiff from the other half of the said house.

And further, whereas Thomas Marcer of Croston, for the sum of 10s. to him paid by plaintiff in the name of a fine by his deed indented dated 11th January, 36 Henry VIII. [1545], granted to the said William Banaster one acre of arable land in Croston, late in the occupation of the said Nycholas Banaster, to hold from the feast of the Purification of the B. V. M. next following the decease of the said Nicholas for the term of 39 years next ensuing, paying therefor to the said Thomas Marcer and his heirs 2s.: the said Edward Worseley and one Roger Marcer of Croston, at the command of the said Richard Asheton, knowing that plaintiff had a lease thereof, on the 16th day of January in the said year or thereabouts, wrongfully entered into the said acre and ploughed

the same, and has occupied it ever since contrary to all right and good conscience.

And moreover, whereas the said Nicholas Banaster had amongst other lands of the gift and grant of Thomas Asheton, Esq., grandfather of the said Richard Assheton, a portion of meadow lying in Croston, of the yearly rent of 4s., to hold for his life without paying any rent for the same: and forasmuch as the said Roger Assheton having the rule of the lands of the said Richard Assheton promised before Sir Henry Faryngton, Knight, that plaintiffs, after the decease of the said Nicholas, should have the preferment thereof, yet notwithstanding the said Roger Assheton, contrary to his promise, within three weeks after the death of the said Nicholas caused the said Edward Worseley and others to mow down the grass growing upon the same and to make it into hay, which they by "weyne lodes" sold to divers persons to plaintiff's great hinderance: So it is that plaintiff in Easter term last exhibited a bill of complaint into this court whereupon process was granted against the said Richard Assheton, Roger Assheton, and others, and plaintiffs, wishing to serve the said process on Corpus Christi day last past, being the last day of May [1548], sent the same by Robert Kyrfoite, servant of the said William Banaster, to deliver it to John Stoppporth of Croston, who was named in the said process, upon which day the said Roger Assheton and Edward Thorpe, at the command of the said Richard Assheton, in the King's "hye wey," between the hours of four and seven in the afternoon, not only took the said process away from the said Kyrfotte, but also beat him to the danger of his life.

And moreover, the said Edward Worseley, on the 6th day of July last [1548] came into the barn of the said Lawrence Banaster and cast out of the same a wain load of hay, and would on no account allow plaintiff to take the said hay in again, in consequence whereof it was destroyed, and "the said Lawrence then and there beyng an impotent and a lame person, dyd cast agaynst the ground, so that by the same ffall hys kne was stryken owte of the jointe."

And the said Richard Assheton, not being thus contented, on the 8th day of July last [1548], at the Quarter Sessions held at Ormskyrk [Ormskirk], preferred a bill of indictment of forcible entry against plaintiffs and others, before Sir James Stanley, Knight, Thomas Heskyth, and Lawrence Ireland, Esqrs., which bill was found because the said Assheton is a man of great possessions and greatly "ffrendyd, kynned, and alied" within the said county and because plaintiffs being present, could not be heard with the "jurie," and the said Sir James and others would grant no restitution of the said bill, but referred it to the Justices of Assize at Lancaster, who upon hearing the matter, said to the said Richard Assheton that even if he had good matter he ought not to indict plaintiffs, but should take an action of trespass against them. But that notwithstanding the said Richard at Wegan [Wigan] preferred a bill of forcible entry against plaintiffs and others which was also found: upon which bill Sir Robert Worseley, Knight, and Lawrence Yreland, Esq., granted a writ of restitution by virtue whereof the Sheriff expelled plaintiffs from the possession of the premises, and the said Assheton with many of his servants and tenants in their most spiteful manner cast out, broke, and utterly destroyed many of the goods, implements, and household stuff of the said Lawrence.

And furthermore, the said Assheton himself, on the 13th day of July last [1548], met Jennet Ecclystone, plaintiff's servant, in the King's highway, she having three gallons of milk on her head, which the said Richard spitefully cast down and he also badly treated the said Jennet.

And the said Roger Assheton, on the 9th day of August last [1548], with seven or eight evilly disposed persons, between the hours of seven and eight in the afternoon, came to the said Lawrence and said they would cut him in pieces, pretending thereby that some of his friends would take his part, so that he might have cause to make an affray upon them.

Also Cuthbert Watkinson, Richard Haworth, and others, about the 1st day of September last [1548], stopped the servants of the said William Banaster, and would not allow them to go along the

King's highway until the Justices of Assize commanded the said Richard Assheton to the contrary, which was by the space of eight days.

On the 13th of August last [1548], George Nelson, servant to the said Richard, Edmund Thorpe, and others, would not suffer the said William Banaster, being the King's tenant, to dig a marle pit upon the King's waste, to marle the King's ground, which was never before stopped except by the King's farmers there.

And on the 21st day of September last [1548], Roger Marcer, John Grene, and others, stopped the servants of the said William Banaster on the highway, saying to them that if their master had been with them as they thought they would have hanged him on yonder stake, with many other "approbryouse" words.

Plaintiffs pray that Letters of Privy Seal may be directed to the said Richard Assheton, Roger Assheton, Edward Worseley, George Nellson, Cuthbert Watkinson, Edmund Thorpe, Richard Hawarth, Roger Marcer, and John Grene, commanding them to appear to answer the premisses.

The answer of Richard Assheton, Roger Assheton, Edward Worseley, and George Nellson to the bill of complaint of William Banester and Lawrence Banester.

Defendants say that Thomas Assheton, father of the said Richard Assheton, was seised of the moiety of the town of Croston, in his demesne as of fee, whereof the said garden and waste ground are parcel, and so seised suffered Nicholas Banester, father of the plaintiffs, to occupy the same as tenant at will, who built a house thereupon. After the death of the said Thomas the moiety descended to Richard Assheton as his son and heir, and the said Nicholas held the said premises at the will of the said Richard.

B. 16. a.

In the first year of King Edward VI. [1547-48], after the death of the said Nicholas Banester, Edward Worseley and George Nelson entered the said house in a peaceable manner and claimed the same to the use of the said Richard, after which the said Richard demised the premises to Edward Worseley as tenant at will, by force whereof the said Edward and Roger

Assheton entered the house and put the plaintiffs out of the possession of the moiety thereof, "permytting of gentlenes," plaintiffs to keep possession of the other half, notwithstanding reasonable time of monition made to plaintiffs at divers times to "avoyde" from the possession of the whole house. It is true that the said Richard preferred a bill of indictment of forcible entry against plaintiffs at the Quarter Sessions at Hornchurch [Ormskirk], which said indictment was found, but this he did merely because they would not leave the house, and as they would not "taike Insample to reforme themselves in their mysdemanors," the said Richard preferred another such bill against them at Wigan, which bill was also truly found, and the Justices granted a writ of restitution, by virtue whereof the Sheriff put the said Richard Assheton in peaceable possession of the premises. It is also true that George Nelson and Edmund Thorpe were commanded to "lett" the said William Banester to dig a marl pit in the said waste belonging to the said town, because Richard Assheton, Thomas Heskethe, Esq., and Robert Dalton are joint lords of the said town.

The said Worseley and Roger Marcer entered into the said acre of ground in Croston, which William Banester claims by force of a lease made to him by Thomas Marcer, which lease "ys a very forgyd deede and a antydaite," because the said Thomas by his sufficient deed, dated 6th January, 37 Henry VIII. [1546], demised the said acre to Edward Woursley for divers years yet unexpired, which deed was signed and delivered to the said Edward before any such deed as plaintiff claims was delivered to him; without that, that the said Thomas Assheton granted the garden to Nicholas Banester for life, &c., &c.

To the Right Honourable Sir William Pagett, Knight.

B. 16. b.

William Banaster of Croston complains that where one Thomas Marcer of the said town, being seised, *inter alia*, of one acre of land there, by deed dated 11th January, 36 Henry VIII. [1545], demised the same to plaintiff for 39 years, he paying for the same 2s. rent. Plaintiff occupied the same until the 10th of January

last, when Richard Assheton, Esq., accompanied by Roger Assheton, gent., Edward Worsley, Roger Mercer, George Nelson, John Stopforth and Robert Lee, and twelve other riotous persons, entered the said acre and ploughed the same without having the least right so to do.

As plaintiff is only a poor man and is therefore unable to obtain any remedy at the common law, he prays that Letters of Privy Seal may be directed to the said Richard Assheton and others, commanding them to appear to answer the premisses.

“Termino s̄ci Hiſt A° R̄R E. vj^{ti} secundo [1549].

Hereupon a Privy Seal to Ric. Assheton, &c., to appear xv^{ne} Pasche prox.”

*To the Right Honourable Sir John Gate, Knight,
Chancellor of the Duchy of Lancaster.*

Henry Banester complains that where one Thomas Hesketh, Esq., Henry Banester, Esq., deceased, late father of plaintiff, and George Dandye, Chaplain, were seised in their demesne as of fee of eight acres of land with the appurtenances in Croston, and also of one yearly rent of 20s. in Croston, and so seised, by deed dated 6th September, 3 Hen. VIII. [1511], granted the said premises to plaintiff for life, who by force thereof entered into the same and has quietly enjoyed them until the feast of St. Michael the Archangel, 6 Edward VI. [1552], when Richard Asheton of Croston, Esq., John Starkye of the same, yeoman, and William Sharpulls of Mawdesley, in the said county, husbandman, riotously with force and arms entered into the same and expelled plaintiff from the possession thereof, and have ever since taken the profits thereof to their own use.

B. 16. c.

Plaintiff prays that a writ of injunction may be directed to the said Richard Assheton and others, commanding them to leave the said premises, and to allow plaintiff to enjoy the same until they can show and prove a just title to the same.

[This document is filed with B 16, but the date is 6 Edw. VI., the rest of the document refers to 2 Edw. VI.]

HENRY DYNELEY *versus* RICHARD GRENEACRES AND NICHOLAS HANCOCK, *re* TITLE TO DOWNHAM HALL MANOR.

To the Right Honourable Sir William Pagett, Knight.

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2 Edward VI.
[1548-49.]

MOST humbly “shoeth and compleyneth” Henry Dyneley of Downham Hall, in the county of Lancaster, that where he was seised of the manor of Downham Hall in Downham, and in the parish of Whalley, of an estate of inheritance, and so seised upon divers communications before had between himself and Ralf Greneacres, gentleman, concerning a marriage to be had between their children, it was agreed between them about three years ago that if the said Henry should have an heir male the said heir should marry the daughter of the said Ralf, he (Ralf) should pay to the said Henry £40, but if he should have an heir female then she should marry the son of the said Ralf, for which he should pay 100 marks.

In order to come to further agreements about the marriage the parties agreed to meet at Preston on a certain day, and there the said Ralf showed to the said Henry certain writings in Latin which he said contained the effect of the former agreements concerning the marriage and nothing else, and persuaded the said Henry to seal the same, although he did not understand Latin. But plaintiff trusted the said Ralf and took his word and received in part payment £10. In reality, however, the writings contained a plain gift of the manor by the said Henry to the said Ralf and his heirs for ever in fee farm for the yearly payment of a certain rent of £20.

Plaintiff perceiving how the said Ralf had “begyled” him, immediately “practysed” with his friends for redress, and especially resorted to Nicholas Hancock of Cornfeld, his uncle, declaring to him how he had been deceived, but the said Nicholas, perceiving his weakness, minding not only to “counter” with the said Ralf for his deceit and to restrain him from his purpose, but also to win for himself and his heirs some part of the said manor from plaintiff, so stirred up the whole matter that it seemed likely that

all the crafty deceits above mentioned should be remitted between the parties and the agreements about the marriage should proceed according to the first arrangement. While such an ending seemed likely there grew suddenly between the said Ralf Gryneacres and Nicholas Hancock a secret "covyne"¹ and conspiracy to make good the said deceit and to convey the said manor away from plaintiff and his heirs for ever to the said Ralf, Richard Greneacres, and Nicholas Hancock, and their heirs. Accordingly about six months after the sealing of the first agreement it was arranged that the said Nicholas should make plaintiff believe that the said manor could not be perfectly redeemed to him and his heirs against the said Ralf and his heirs except by fine and recovery, and that the said Greneacres would never acknowledge any fine or recovery to the said Dyneley again "for shame of the world," but would be content together with plaintiff to acknowledge a fine to the said Hancock, to the intent that the said Hancock being uncle to plaintiff, might at his pleasure convey the said manor again to him and his heirs. The said Hancock strongly advised plaintiff to take this course and to be bold and fear not, saying to him "Cosyn Dyneley, you know that I am your uncle and wold not deceyve youe for all the lond in Lankysheere, and yf youe wyll nott folowe this weyes you ar undon and your heyres for ever, and youe must be well ware when youe cum byfore a Judge youe must say that youe ar agreed to every thing that the Judge do aske you, for yf youe deny ony word this Greneacres wyll fewme so myche at yt that peradventure we shall never bryng hym to so good a poynt agayn."

Plaintiff, putting his whole trust in the said Hancock, promised to follow his advice in everything, and afterwards they all three came before a Judge and acknowledged a fine or recovery, and plaintiff agreed to everything the Judge asked him. The said Hancock having now by matter of record obtained the said manor, in accomplishment of the compact between them made, conveyed part of the said manor to the said Ralf and his heirs, and kept part for himself and his heirs, without making any recompense to

¹ Covyne, an intrigue or fraud.

plaintiff, who had only received £10, whereas the said manor is of the clear yearly value of £26 13s. 4d., by which means the said manor and the yearly rent of £20 thereupon reserved are most "ungodly, falcely and craftely" conveyed away from plaintiff and his heirs to their utter undoing.

Plaintiff prays that a writ of commission may be directed to certain indifferent persons who, by examination of witnesses, &c., may make an end of the dispute between the parties.

"Termino Pasche A° RR E. vj^{ti}. Secundo [1548].

Hereupon a Privy Seal to Richard Greneacres and Nicholas Hancox to appear cr. [astino] Trin. prox."

The answer of Rauffe Greneacres to the bill of Complaint of Henry Dyneley.

D. 7. a.

Defendant says that about Hilary term last [1548], plaintiff exhibited a bill of complaint in this court against defendant concerning the right, interest, and title of and to the said manor of Downham Hall, and it was then ordered that plaintiff should sue for remedy at the common law, and the matter was dismissed from the court, and defendant remitted his costs to plaintiff at the request of the court.

Defendant says that at the time of the communications concerning the said marriage, plaintiff was seised of the manor of Downham Hall and of other lands and tenements in Clyderowe [Clitheroe], of the yearly value of about £21 13s. 4d.; and that there then was and still is an annuity of £4 going out of the said manor to the wife of John Alane for her life, who is still living, and another annuity or yearly rent of 40s. to the King, and that certain quyllets¹ of the said manor of the yearly value of about 26s. 8d. were demised before the said communications to Nicholas Hancoke for many years yet to come, he paying to plaintiff for the same the yearly rent of 2s. Certain lands and tenements in Clyderowe [Clitheroe] of the yearly value of 25s., were demised by plaintiff to Gyles Parker for many years yet unexpired, he paying for the same 5s. yearly. Plaintiff agreed

¹ Quillet is an old term for a croft or small plot of grass.

to execute a sufficient estate in the law in fee simple of the said manor and other the premises to defendant and his heirs, they paying therefore yearly £20 by way of fee farm besides the said several rents going out of the said manor. Accordingly defendant devised a deed of feoffment of the premises in the name of plaintiff to defendant and his heirs, reserving the said rent of £20 to plaintiff, which deed was read in English to plaintiff at Preston, before several honest witnesses, and was sealed and delivered. The attorneys afterwards delivered seisin of the said premises to defendant and he accordingly entered into the same, and paid £10 to plaintiff. Afterwards plaintiff by the "Synystre and Subtyll perswacyon and Covetous myndes" of the said Nicholas Hancoke and Richard Greneacres wrongfully entered the said premisses and expelled defendant, and then sold the premises to the said Nicholas and Richard and their heirs. Afterwards great "suyte and varyaunce" arose between the parties at Lancaster and other places and lasted about a year to defendant's great cost, till at length by the mediation of the Justices of Assize and other worshipful men in the said county, who "travellyd myche" and took great pains to "sett quietness" between the parties, it was agreed that defendant should have to him and his heirs the manor of Downham Hall, and that Nicholas and Richard should have the lands and tenements in Clyderowe [Clitheroe], and for the better security thereof the manor was assured to plaintiff by indenture of bargain and sale fine or recovery from plaintiff and the said Nicholas and Richard. Moreover, plaintiff sold and delivered to defendant all the evidences, deeds, charters, &c., concerning the said manor. Defendants charged with the payment of more yearly rents going out of the same than the yearly profit thereof amounts to. The said premises in Clyderowe [Clitheroe] are assured to the said Nicholas and Richard in like manner.

Without that, that the defendant declared to plaintiff that the writings he showed him at Preston contained the effect of the former agreements concerning the said marriage, &c., &c.

D. 7. b. The answer of Nicholas Hancocke to the bill of complaint of Henry Dynley.

Defendant says that plaintiff being seised of the said manor of Downham Hall, about four years ago leased one pasture called the Newfeyld, parcel of the said manor, to defendant for twenty-four years then next following. Afterwards plaintiff gave the manor by deed to the said Raufe Greneacres and his heirs for ever, they paying certain rents for the same. Then contention arose between defendant and the said Rauf concerning the said pasture and the occupation thereof, which was appeased by the mediation of their "lovyng frendes," and thereupon the said Raufe about a year or more ago leased to defendant the said pasture and another pasture called the Preste Lane, parcel of the said manor, for twenty-two years for a certain yearly rent, and saving to defendant the said leases for twenty-one years of and in the said two pastures. Defendant does not claim any estate in the manor of Downham Hall; without that, that Henry Dynley or Raufe Greneacres ever levied any fine or suffered any recovery of the manor to defendant, or that defendant in the accomplishment of any former conspiracy gave part of the manor to the said Raufe and another part to the said Richard Greneacres, and retained part for himself, &c., &c., &c.

ROBERT FLETCHER *versus* RALPH HOLLANDE AND OTHERS,
re TRESPASS ON LANDS BELONGING TO THE CHANTRY
 OF ST. GEORGE IN MANCHESTER, WITH A
 FIELD CALLED THE ACRES.

To the Right Honourable Sir William Paget, Knight.

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 [Calendar 1.]
 F. 5.
 2 Edward VI.
 [1548-49.]

"IN moste humble wyse Complaynyng Shewythe yor dayly Orator," Robert Fletcher, gent., that whereas the King was and is seised in his demesne as of fee, in right of his Duchy of Lancaster, of one parcel of ground containing three acres, belonging to the late Chantry of St. George in Manchester, lying within

a field called The Acres at Manchester, and so seised, by indenture dated the 8th of June in this present second year of his Majesty's reign [1548], granted the same *inter alia* to plaintiff to hold from the feast of Easter last for the term of certain years yet enduring, who by force thereof entered into the same. But so it is that Raff Hollande, gent.; Raff Pedley, yeoman; Sir Robert Braddac, clerk; Thomas Hide, yeoman; Robert Hide, yeoman; Robert Storygolde, yeoman; Edward Reddett, yeoman; Gervys Tetloe, yeoman; Raff Berche, yeoman; Thomas Breddok, yeoman; Richard Wokdan, yeoman; and Robert Asten, yeoman, all of Manchester, with about 100 other riotous and misruled persons, to plaintiff as yet unknown, on the 22nd day of June, 2 Edw. VI. [1548], at Manchester, in manner of war arrayed, to wit, having with them "a pair of Baggpys" to assemble themselves together, and also arrayed with swords, bucklers, great stones, bows, arrows, and other weapons of war, riotously entered the said piece of ground, dug up the earth and gravel within the same and cast a great deal of it abroad upon the ground, and some part thereof, to the number of 500 baskets, they carried away.

Prays that a writ of Privy Seal may be directed against the said Raff Hollande, &c., commanding them to appear and answer the premisses.

"Termino Trin. A° RR E. vj^{ti} secundo [1548].

Hereupon Privy Seals to Rauf Hollande, &c., to answer mense Michis prox."

JAMES HOLTE *versus* MORICE ASHTON AND OTHERS
re AN ASSAULT AT ASHTON-UNDER-LYNE.

To the Right Honourable Sir William Pagett, Knight.

JAMES Holte, servant of Sir John Downe, of county Chester, Knight, that where plaintiff about three months ago, his said master being in the town of Adyngton in Scotland, in the King's wars, by command of his said master went into Lancashire to certain lands belonging to his said master in the said county, and others his needy and requisite affairs and business; at which

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2 Edward VI.
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time he being at the town of Ashton in the said county, divers riotous persons of light "demeanure," to wit, Morice Ashton, gent.; John Ashton, gent.; Gervis Ashton and Myghell Ashton, gentlemen; Edmund Teylor, husbandman; John Hurst and Edward Telyor, husbandmen; all of Ashton-under-Lyne, without any just cause, assembled themselves in riotous manner, with bills, bows-staves, and other weapons defensible, and assaulted plaintiff, he suspecting no ill, and being in God's peace and the King's at Ashton, and terribly assailed him on all parts, and there beat him and gave him so "many sore plagues¹ and woundes," so that he dispaired of his life and would have been slain if the honest men of the said town had not hastily come to his succour; for which trespass and unlawful act all the said defendants at a Sessions of Peace held at Wigan before James Stanley, Knt., Robert Worsley, Knt., and Henry Ireland, Esq., Justices, were indicted.

Plaintiff prays that process may be directed against defendants, commanding them to appear and answer the premisses.

"Termino Michis A^o RR E. vjth secundo [1548].

Hereupon a Privy Seal to Moryce Asheton, John Asheton, and others to answer viij^{as} Hiñ prox."

JOHN HARPER, CLERK, PARSON OF BRYNDYLL [BRINDLE], *versus*
 RICHARD SMYTHE, CLERK, AND OTHERS, EXECUTORS
 OF ROBERT BUCKLEY, CLERK, *re* TITLE DEEDS
 TO BRYNDYLL PARSONAGE.

To the Right Hon. Sir William Pagett, Knight.

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 [Calendar I.]
 H. 13.
 2 Edward VI.
 [1548-49.]

JOHN Harper, clerk, complains that where he is parson of the parish of Bryndhyll [Brindle], in the county of Lancaster, and is seised in his demesne as of fee, as in the right of his said Church of Bryndhyll [Brindle], *inter alia* of 60 acres of arable land, 40 a. of pasture, 20 a. of meadow, and the ground there called Haugh Moss, together with common of turbary to the said

¹ Plagues, probably intended for plague, the primary meaning of which is a stroke or a wound.

parsonage belonging in a waste thereunto adjoining; also in right of his said Church of tithes, offerings, oblations, &c., and has quietly enjoyed the same by the hands of his servants, farmers and tenants, without interruption from anybody ever since he was instituted to the said parsonage ten years ago, and which his predecessors, parsons of the said Church, have enjoyed and occupied time out of mind: Now so it is that divers evidences, writings, and charters concerning the said premises, with other the rights and "dowement" of the said Church have come into the hands of Richard Smythe, clerk; James Wynstanley, gent.; William Catroll, and John Shawe, executors of the will of Sir Robert Buckley,¹ clerk, late parson of the said parish of Bryndehyll [Brindle], and "last predecessor thereof" before plaintiff, for lack of which evidences, &c., he is likely to lose much of the said premises, by reason whereof he has been driven to make earnest suit to the said Richard, James, William, and John, to deliver to him the said documents, which they utterly refuse to do, to plaintiff's great loss and hindrance, and to the utter "disherison" of the said Church for ever.

Plaintiff prays that Letters of Privy Seal may be addressed to the said Richard Smythe and others, commanding them to appear to answer the premises.

"Termino Michis A° R R E. vj^{ti} secundo [1548].

Hereupon a Privy Seal to Richard Smyth, &c., to answer [no date given].

JAMES PERTYNGTON *versus* SYMON BRADSHAWE, PRIEST OF
LEYGHE [LEIGH] CHURCH, *re* TITLE DEEDS OF
LANDS, &c., AT URMSTON AND LEYGHE.

To the Right Honourable Sir William Pagget, Knight.

JAMYS Pertyngton of Tildisley [Tyldesley] in the county of Lancaster, "marcer," second son of William Pertington of Tildisley, "marcer," deceased, complains that forasmuch as the said William was seised of certain lands and tenements of the

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² Edward VI.
[1548-49.]

¹ Neither of these Vicars are included in BAINES' (*History of Lancashire*) List of Rectors of Brindle.

yearly value of £4 12s. 8d., lying within the township and parish of Urmeston [Urmston], within the said county, in his demesne as of fee, and so seised by his will bequeathed to plaintiff all his said lands, &c., to hold to him and his heirs male; and for default of such heirs, to remain to William Pertington, son of Giles Pertington, and to his heirs male, with divers remainders over: But so it is that after the death of the said William Pertington, his said will came into the hands of Symonde Bradshawe, priest, who was one of the priests at the Parish Church at Leyghe [Leigh], in the said county; also sundry evidences, "escrits," and charters concerning the premises, the number and contents whereof plaintiff knows not, so that he has no remedy at the common law.

As the said Simon Bradshawe obstinately refuses to give up the said will, &c., plaintiff prays that a writ of Privy Seal may be directed to him, commanding him to appear and answer the premises.

"Termino Pasche A° R^{re} E. vj^{ti} secundo [1548].

Hereupon a Privy Seale to Symonde Bradshawe to appear viij^{as} Trin. prox."

WILLIAM SAWREY, VICAR OF URSWICK, *versus* CUTHBERT RIGGE
AND OTHERS, *re* ASSAULT AT HAWKESYDE [HAWKSHEAD].

To the Right Hon. Sir William Paget, Knight.

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S. 15.
2 Edward VI.
[1548-49].

WILLIAM Sawrey, Vicar of Urmeston, in the county of Lancaster, complains that where he and Henry Bromthwate, chaplain and servant to plaintiff, were in God's peace and the King's, one Anthony Rigge and Cutberd Rigg, and six other persons to plaintiff unknown, on St. Stephen's Day last [1548], about nine o'clock at night, assembled at Hawkesyde [Hawkshead], in the county of Lancaster, with force and arms, to wit, with swords, bucklers, staves, bills, clubs, daggers, and other weapons defensive, and assaulted the said Henry Bromthwate in

the house of Miles Rigg, where the said Henry is "tabled,"¹ and would have murdered him if he had not fled into a chamber in the house. The said Cutberd and Anthony tried to break open the door of the chamber, but the inhabitants of the town came and with "greyt payn and busynes Interrupted the said evill disposed persons of theyr devellysshe purpose." Not content with this, the said Cutberd and Anthony Rigg, Robert Sandes, and other riotous and "lyght" persons to the number of twenty, assembled "in manner of a tumult or insurreccion" at Hawkesed [Hawkshead] the 15th day of January last [1548], about twelve o'clock at night, and assaulted the house of Gyles Kendale in Hawkesed, wherein plaintiff then lodged, broke open the outer gate of the house, and would have forced the inner gate but that it and the walls were too strong. When defendants saw they could not get into the house they called upon plaintiff to come out of it, for they would have [broken] one of his arms or legs before going away. They stayed there threatening him until the next day, when the country round about heard of the said riot, and met together to rescue plaintiff from defendants, who then went away. Moreover, before the said 15th day of January [1548], and since, defendants have often assembled to try to murder plaintiff, who in consequence has often been in danger of his life.

Plaintiff prays that the King's "dred" letter of Privy Seal may be directed to the said Cutbert Rigg and others, commanding them to appear to answer the premises.

"Termino Hiit A° RR E. vj^{ti} secundo [1549].

Hereupon a Privy Seal to Cutbert Rigge and others, to appear tres^o Pasche prox."

¹ Lodged.

JOHN TYLDESLEY, CLERK, AND THOMAS TYLDESLEY, *versus*
FRANCIS TYLDESLEY, *re* TITLE TO A MESSUAGE CALLED
TYLDESLEY HALL, IN DYTTON [DITTON].

To the Right Hon. Sir William Pagett, Knight.

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T. 11, 12.
2 Edward VI.
[1548-49.]

“IN most humble wyse Shewen and Compleynen” your sup-
pliants, John Tildesley, clerk, and Thomas Tyldesley, his
brother, that where Richard Tyldesley, deceased, plaintiffs’ father,
was seised in his demesne as of fee of a capital messuage in
Dytton [Ditton], in the county of Lancaster, called the Hall of
Tyldesley, and about 30 acres of land, meadow and pasture, in
Dytton, and so seised by deed indented, granted the premises to
plaintiffs, together with all edifices, orchards and gardens to the
manor belonging, and also all his lands, tenements, closes and
pastures in Dytton: to hold for a term of years yet unexpired,
without paying anything for the same. The said Richard Tyldes-
ley died about three years ago, after whose death the said grant
of the premises was found to be good and true by Office taken
before the Exchequer of the county of Lancaster: But so it is
that although plaintiffs have continued their peaceable possession
of the said premises for more than three years by virtue of the
said gift, yet that notwithstanding Robert Williamson of Dytton,
and Elizabeth his wife, having the custody of the body and lands
of Francis Tyldesley, cousin and heir of the said Richard Tyldes-
ley, as guardians in socage, intending by extort power and unlaw-
ful maintenance to remove plaintiffs from their lawful possession,
have now lately, that is to say, on Wednesday in the second week
next after the feast of St. Michael the Archangel last [1548], at a
Sessions of Peace held at Manchester, which is more than 17 miles
away from the said lands, procured an untrue bill of indictment,
grounded upon the statute of 8 Henry VI., found by an untrue
verdict and presented against plaintiffs and others, wherein it is
falsely presented that plaintiffs and the others had forcibly entered
into the premises in Dytton on the 12th day of September last,
being the soil and freehold of the said Francis Tyldesley, and had

disseised the said Francis and kept him out of possession from the said 12th September up to the taking of the said Inquisition, by means of which untrue presentment plaintiffs are likely to be suddenly expelled from the said premises by colour of a writ of restitution, and to have their goods and chattels cast out of the same.

Plaintiffs cannot hope for an indifferent trial because of the unlawful maintenance which the said Robert Williamson and Elizabeth have from divers great men in the said county.

Prays that Letters of Injunction may be directed to the said Francis, Robert, and Elizabeth, commanding them to suffer plaintiffs to have peaceable possession of the premises without any interruption, until further order be taken by this Court, and also to appear and answer the premisses.

“Termino Michis A° RR E. vj^{ti} secundo [1548].

Hereupon an Injunction to Francis Tyldesley, Robert Williamson, and Elizabeth his wife, to answer [no date given].

To the Right Hon. Sir William Paget, Knight.

T. 11. a.

Francis Tyldesley, gentleman, complains that where he and his ancestors were seised of a capital messuage, with certain lands and tenements thereto belonging, lying in the town of Ditton, in their demesne as of fee, and so being seised peaceably continued the possession thereof until about three months ago, when John Tyldesley, clerk; Thomas Tildesley, gent.; John Mercer, husbandman; and Isabel Holland, “Spyncer” [spinster], all dwelling in the said county, conspiring together assembled with force of arms and weapons of war, came to the said messuage, broke down the door and windows, entered and expelled plaintiff from every part thereof, and have also driven away his cattle which were pasturing upon the said lands, thereby putting him in great fear of his life. Not being satisfied with that, they have broken open his chests in the said house and have taken away divers pieces of evidence concerning his inheritance of the said land, thinking that he in default of such evidence would be unable to sue for the same.

T. 12. a.

For this force and disseisin, defendant, at a Sessions held at Manchester shortly after the said act, before Sir John Holcroft, Knight; Thomas Butteler, Knight; Edmond Trafforde, Knight; and others, Justices, were indicted of forcible entry, but this notwithstanding, defendants refuse to remove from the said land but still occupy the same.

Prays that a Privy Seal may be directed against defendants, commanding them to appear and answer.

“Termino S^ci Mich^{is} A^o R^{egis} E. vj^{ti} secundo [1548].

Hereupon a Privy Seal to John Tyldesley, clerk; Thomas Tyldesley, John Mercer, and Isabell Holland, to answer xv^{ne} Hist prox.”

[This document is numbered T. 11 and T. 12].

RICHARD WRIGHTINTON *versus* EDMUND GEE AND OTHERS, THE
MAYOR AND BURGESSES OF LIVERPOOL, *re* POSSESSION
OF CHANTRYE LANDS IN LYVERPOLE.

To the Right Hon. Sir William Paget, Knight.

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[Calendar 2.]
W. 12.
2 Edward VI.
[1548-49.]

“IN moste humble wise shewith and complayneth” your daily orator Richard Wrightinton, that whereas the King, by Letters Patent under the Seal of the Duchy of Lancaster, dated 8th June, in the second year of his reign [1548], has demised to plaintiff one Chantry in the town of Liverpool, with all the lands and tenements thereto belonging, for the term of 21 years yet enduring, yielding to his Majesty the rent of £6 2s. 1d. Nevertheless so it is that the Mayor of the said town of Liverpool, Edmund Gee, Thomas Stooness, and others, burgesses of the said town, intending to disinherit the King of the said premises without any right, claim that the said lands and tenements belonging to the said chantry are parcel of their possessions, belonging to the Corporation of the said town, and therefore they keep the possession thereof from plaintiff, to the disinheritance of his Majesty.

Prays that Letters of Privy Seal may be directed to the said Mayor and burgesses, commanding them to suffer plaintiff to occupy the said premises according to the lease thereof made, or else personally to appear to answer the premisses.

“Termino Michis Anno rr E. vj^{ti} secundo [1548].

Hereupon an injunction directed to Edmund Gee, Roger Nelson, Robert Corbett, Nicholas Abraham, Thomas Stones, James Acton, Christopher Hough, Gilbert Coke, either to suffer the said Richard Wrightington to enjoy and occupy according to a lease to him made, or else to appear crastino purifi^c prox.”

WILLIAM BARCROFT AND OTHERS, THE KING'S TENANTS OF
WORSTORNE, *versus* SIMON HAYDOCKE, *re* TITLE TO
LANDHOLDER OF CLITHEROE CASTLE.

*To the Right Honorable Sir William Pagett, Knight, “Countroller”
of the King's Household and Chancellor of the Duchy
of Lancaster.*

WILLIAM Barcroft, Oliver Halstead, William Hallstede, John Hirstwodd the younger, and Edmund Spencer, tenants and inhabitants of his Majesty's town of Worstorne, in the county of Lancaster, complains that where they be seised of an estate of inheritance of divers lands and tenements in Worstorne, to wit, two messuages and 25 acres of land in the tenure of the said William Barcroft; one messuage and 70 acres of land in the tenure of the said Oliver Hallstede, three messuages and 60 acres of land in the tenure of the said William Hallstede, two messuages and 26 acres of land in the tenure of the said John Hurstwodd, and two messuages and 16 acres of land in the tenure of the said Edmund Spencer, which they hold of his Highness as of his Castle of Cliderow [Clitheroe], by certain yearly rents, customs, and services, which they yearly pay to his Majesty, who is seised of the said Castle in his demesne as of fee, in right of his Duchy of Lancaster. Now so it is that Simon Haddocke of his “gredy mynde,” intending not only to disinherit the King of the

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2 Edward VI.
[1548-49.]

services of the said tenants, but also so to impoverish them (the tenants) that they would be compelled to give up their lands, on the 1st February last seized sundry kine and other cattle of plaintiffs at Worstorne, by the name of "harettes," to wit, of the goods of William Barcroft, a cow price 20s.; of the goods of Oliver Halstede, a cow price 23s. 4d.; of Will. Halsted, a cow price 20s.; and of John Hirstwood, three calves price 20s.; which he still detains. Lately he has also seized as his ward the said Edmund Spencer, as son and heir of John Spencer, deceased, by reason that the said John in his life held the said two messuages and 16 acres of him as of the said Castle of Cliderow [Clitheroe], whereas the said premises are held of the King as of the said Castle. If the said Simon should prevail against plaintiffs, his Majesty's title to the said Castle might be impaired: he is of great substance in the county, whereas plaintiffs are poor men, of small "ability" and substance.

Pray that letters of privy seal may be directed to the said Simon Haydocke, commanding him to appear personally to answer the premisses.

B. 3. a. The answer of Symon Haydocke.

As plaintiffs have not shown what land they held, or where the said goods were taken, or that any lands descended to the said Edmund Spencer, their bill is insufficient.

B. 3. b. The answer of Symon Haydocke.

Defendant says that William Barrecrofte, grandfather of the said William Barrecrofte, plaintiff, whose heir he is, was seised in his demesne as of fee of the said two messuages and 25 acres of land, supposed to be in the hands of the said plaintiff, and held the same of defendant and Joan his wife, in right of the said Joan by homage, fealty, and 2s. yearly rent.

The said Olyver Halstede was seised of the said messuage and 70 acres of land in his demesne as of fee and holds the same of defendant and the said Joan by homage, fealty, and the yearly rent of 3s. 9d.

The said William Halstede holds the said three messuages and 60 acres of land of defendant and his wife by fealty, and the yearly rent of 4s. 7d.

The said John Hurstewood holds the said two messuages and 26 acres of land as above by homage and 2s. 8d. yearly rent.

The said Edmond Spencer holds the said two messuages and 16 acres of land as above by fealty and the yearly rent of 13½d.

As the said John Spencer, father of the said Edmond, whose heir he is, was seised of the said premises and held them as above, and as the said Edmond was only 14 years of age when his father died, defendant seized the wardship of the body of the said Edmond, and as "garden" entered into the said premises.

Within the said town of Worstorne there are four principal freeholders called the four "postes," who all hold their lands of defendant and the said Joan. Upon the death of any of them his next heir being of lawful age, there is a relief or heriot due to the sum of 45s., which is the heriot specified in the said bill, to the payment of which heriot certain other freeholders of the said town are contributory and chargeable after the rate of their freeholds: for lack of this payment, defendant, the said Joan and her ancestors, have time out of mind been used to distrain also upon the lands of those who are contributory.

Sir John Towneley, Knight, deceased, being one of the said four "postes," was seised of six messuages and 200 acres of land in Worstorne, in his demesne as of fee, and held the same of defendant and the said Joan by fealty and 7s. 8d. rent: after his death the said premises descended to Richard Towneley his son and heir, he being then over 21, by reason whereof defendant was entitled to 45s. for a relief, to the payment whereof the said Oliver Halsted was contributory.

Robert Hoppey was seised of one messuage and 70 acres of land in Worstorne, and held the same as above by fealty and 4s. 8d. rent: as Agnes Alyson and Joan, daughters and heirs of the said Richard, were over the age of 14 when he died, defendant was entitled to the sum of 45s., to the payment whereof the said

Will. Barrecroft in his own right, and Will. Halstede in the right of Agnes his wife, are contributory.

As the said heriots were not paid to defendant upon the several deceases of the said four "posts," defendant distrained the said goods mentioned in the bill.

William Hirstwood, father of plaintiff John Hyrstwood, was one of the said "postes," and was seised of other two messuages and 36 acres of land, and held the same of defendant and the said Joan by the ninth part of a knight's fee. At his death the said John was over 21, therefore defendant was entitled to the said heriot.

Defendant and the said Joan hold all the said lands and tenements immediately of the King.

B 3. d. Commission dated 14th June, 2 Edward VI. [1548], directed to Sir Thomas Langton, Knight, John Kitchyn, Esq., Lawrence Towneley and Henry Barcrofte, gents.

B. 3. g. The said Commissioners certify that they called the said parties before them at Burneley, in the county of Lancaster, on August 23rd, 3 Edward VI. [1549.]

Depositions on behalf of plaintiffs.

Edward Parker of Extwysell [Extwistle], in the county of Lancaster, yeoman, charterer to Richard Towneley, Knight, aged 60, knows that the King is chief lord of the manor of Worsthorne. The plaintiffs do not hold any lands or tenements of defendant in Worstorne, nor do they pay him any rent or service.

Has never heard that the said Simon Heydocke, or Joan his wife, or their ancestors, have during the last twenty years had any wardship or marriage of any of plaintiffs.

Knew that defendant distrained certain goods of plaintiffs, and kept them for two years and then delivered them up.

Laurence Brerecliff of Brereclyff [Briercliffe], in the county of Lancaster, tenant of his Majesty, aged 58, says that plaintiffs hold no land of defendant by knight's service, but the tenants in Worstorne pay a yearly rent of 40s. to defendant, why he knows not.

Robert Wilkynson of Hyrstwood [Hurstwood], in the county of Lancaster, husbandman, tenant to John Osborn, gent., aged 90, says that defendant distrained by night two oxen of deponents, for which he had to pay 26s. 8d., wherefore he knows not.

George Wyndle of Redyhalous [Reedley Hollows], in the county of Lancaster, husbandman, tenant to Christopher Jackson, aged 69, never knew that plaintiffs or their ancestors were wards to defendant. B. 3. h.

John Wyndle of Marsden, tenant to John Robynson, aged 68; Richard Whytwam of Burneley, tenant to his Majesty, aged about 68; and Peter Brerecliffe of Brerecliff, tenant to the late wife of Nicholas Towneley, aged 56, depose as above.

Depositions taken on behalf of defendant.

Thomas Ryley of Hapton, in the county of Lancaster, gent., aged 60 and more, says that after the death of one Ormerode, one of the freeholders of Worstorn, one Hyndle, uncle of Ormerode, son and heir of the said Ormerode, agreed with Symon Heydock, defendant, for the wardship and marriage of the said Ormerode the son, and paid him £4 for the same.

John Clayton of Hapton, yeoman, charterer to Richard Towneley, Knight, aged 80 and more, says he knows nothing to any of the interrogatories.

George Hoghton of the Grenefelde, in the county of Lancaster, gent., aged 60, says that Oliver Halstede is possessed of certain lands in Worstorn, to the yearly value of 10 marks.

He has heard that plaintiffs have paid certain chief rents to Stancefelde, ancestor of Joan wife of defendant, but knows nothing about any wardship.

Knows that defendant has distrained the goods of one Hoppey for certain lands in Worstorn. B. 3. i.

John Parker of the Monke Hall, in the county of Lancaster, gent., aged 67, says that William Barcroft is seised of two tenements in Worstorne of the yearly value of 40s.; Oliver Halstede is seised of one mease (value not known); Will. Halstede of one

tenement there of the yearly value of about 4 marks ; John Hyrstworde of one mease there of the yearly value of 4 marks ; John Spencer of one tenement there of the yearly value of 13s. 4d.

Lawrence Lawe of Clyvyger [Cliviger], tenant to Richard Towneley the elder, Esq., aged 52, says that John Spencer is seised of one messuage and 12 acres of land in Worstorn of the yearly value of about 4 nobles, and that he paid to defendant by agreement made by Sir John Towneley, Knight, £4 for the wardship and marriage of Edmund Spencer.

Hewe Halstede of Habergehmeves [Habergbam Eaves], in the county of Lancaster, gent., aged 30, says that if defendant took more of the tenants in Worstorne than a heriot and his free rent he wronged them.

Thomas Sager of Clyviger [Cliviger], tenant to the said Ric. Towneley, aged 58, knows that defendant has distrained Robert Wilkynson and John Hyrstwoode, in Hyrstwood [Hurstwood], for a heriot that he claimed of them.

John Kechyn.

Lawrence Towneley.

DUCHY OF LANCASTER. DECREES AND ORDERS, EDWARD VI.,
BOOK 8, Fo. 150 B.

TRINITY TERM. 2 EDWARD VI.

Inter
Barcrofte
et al plaintiff
and
Symonem
Haydocke,
defendant.

“ For the matter dependinge in variance betwyxte William Barcrofte, Olyver Halsted, William Halsted, John Hirstwood the younger, and Edmund Spenser, partyes plaintiffs, and Symon Haydocke, partye defendaut, concerninge the takinge and withholdinge of certeyn dystresses taken by the saide defendant of the goods and cattelles of the said plaintiffs: That ys to saye, of the goodes of the saide Olyver Halsted, one kowe and one calf price xxij^s. iiij^d.; of the goods of William Halsted, one kowe price xx^s.; of the goods of John Hirstwood, iij calves weynelinges price xx^s.; which dystresses the said defendant wyth holdethe for non payment as he surmyseth of dyvers rents, harryottes, and relyffes to him dewe, by reason the saide plaintiffs and their auncestors whose heyres

they be, shulde and do severally holde of hym the same defendant, as of his manor of Worstorne, by certeyn rentes, servyses, customes, and dewtyes not payed nor done by the plaintiffs. And for as moche as yt dothe appere to this Courte that the Cattell were taken onely for dystresses and to be vsed as a Gage tyll delyver-aunce be made by the ordre of the lawe and not otherwise, and for that yt ys informed this Courte that the defendant mysuseth the saide dystresses, and that the withholdinge of the same Cattell ys to the greate impowisshinge of the plaintiffs, and the matter as yet hangeth in this Courte vndyscussed. And for that the defendant hath not as yet proved hymselfe to have good cause to withholde the same dystresses. It is therefore ordered that immediately vpon the sight hereof, the saide Symon Haydocke shall redelyu⁹ vnto the plaintiffs there sayed dystresses as aforesayed vntyll the matter be further ordered. And yf that hereafter it shalbe sufficientlye proved by the defendant that he had good and juste cause to take the saide dystresses as aforesayed, That then the plaintiffs shall yelde and paye vnto the defendant such somes of money as shalbe awarded for the dutyes by the plaintiffs dewe or withholden from the defendant."

FO. 435. HILARY TERM. 6 AND 7 EDWARD VI. [1553.]

"Concerning the matter in variance between the said parties. It is ordered and decreed by the Chancellor and Councell that the matter which hath longe depended in this court undetermined by reason of dyffycoltye a diuise doubtfull causes rysynge upon the hyerynge of the said matter, and at the requestes of the plaintiffs shalbe dysmyssed owte of this courte. And the parties aforesaid to be at their lybertyes to sue for ther remedye at the comon lawe as ther cases shall requyre."

Inter
William
Barecrofte et
al plaintiff and
Simon
Haydocke
defendant.

HENRY MAWDISLEY AND OTHERS, *versus* EDWARD ENTWYSSYLL
AND OTHERS, *re* TITLE TO MESSUAGES AND LANDS AT
ACCRINGTON AND ELSEWHERE.

To the Right Honorable Sir William Pagett, Knight.

Vol. li.
[Calendar 3.]
M. I,
2 Edward VI.
[1548-49.]

HENRY Mawdisley, James Yate, Robert Yate, Miles Barron, George Holden, Christopher Haworth, William Yate the elder, Richard Haworth, James Holme, Giles Holme, and Edmond. Such complain that where there was a Commission about 19 Henry VIII. [1527-28], directed to Sir John Both, Knight, John Clerke, Ric. Hesketh, Esq^{rs} and James Molynex, clerk, appointed for the survey and improvement of the King's lands and rents in Rosyndall [Rossendale], Accrynton, and Hedlysden [Haslingden], within the county palatine of Lancaster, whereby it was agreed between the said Commissioners and plaintiffs and their ancestors whose heirs they be, that each of them should have in severalty to them and their heirs, after the custom of his Majesty's manor of Accrington, certain portions of the King's lands and inheritance in Hudliston, which were assigned to them by the said Commissioners. Further, it was agreed that plaintiff's should pay certain sums of money to the King's use by the name of fines, and also to pay yearly greater rents for the same, which said fines were truly paid; also that Sir John Ratclif, in whom plaintiffs and their ancestors had great trust, should take the said lands and tenements by copy of court-roll, after the custom of the said manor, to the use of plaintiffs' ancestors and their heirs for ever, they bearing all the costs thereof, by reason whereof Sir John was admitted tenant of the premises, and plaintiffs have been peaceably seised thereof, and have paid their fines and yearly rents and all the services to the said lands belonging. But now of late, to wit, 9th January last, and divers times before and after, Edmond Entwysyll, Henry Roberts, Thomas Entwissill, Gyles Entwissill, Robert Entwissill, and 16 others, in riotous manner came to the said lands, to the intent to put out plaintiffs, pretending that the premises were the right

and inheritance of the said Edmond and Henry Roberts, as heirs to the said John Ratclif, who took the same to the use of himself and his heirs, whereas he (Sir John) was put in trust to take the same to the use of plaintiffs.

As plaintiffs are very poor and have few friends within the said manor of Accrington, while the said Edmond and Henry have "greate ffriendshippe" of the steward of the said manor, they pray that a Commission may be appointed and an indifferent end made between the parties.

Commission dated 24th June, 2 Edward VI. [1548], directed to Sir Henry Talbot, Knight, John Kachyn, Thurstan Tyldesley, and Andrew Barton, Esq^{rs}.

M. I. a.

The said Commissioners certify that they called the said parties before them at Blackburn on Tuesday, 30th October last.

M. I. b.

Interrogatories on behalf of plaintiffs.

Depositions on behalf of plaintiffs.

Nicholas Ryssheton of Antley, aged 65, tenant to the King, knows the manor of Accrington; he also knew the said John Ratcliff, and that plaintiffs had special trust in him, and took him for their good master and friend.

He heard Master Clerke, then auditor of the Duchy, command William Yate and others, tenants of Hadlysden [Haslingden] to take their farms of the King or else they should be let to others, whereunto they answered that as they had no common of turbary except of John Ratcliff, they had put him in trust to take it for them: this was in 21 Henry VII. [1505-6], since which time the tenants have enjoyed their farms.

Has heard that the tenants have paid to the said Ratcliff about 20s. yearly, but for what land he knows not.

Peris Aspynewall of Lower Derwyn [Darwen], aged 78, tenant to Sir Thomas Talbot, Knight, says that the said tenants and their ancestors have occupied their tenements in peace for 60 years.

The tenants have yearly paid to the King £9 12s. 4d. for their rent.

Perus Ellisson of Over Derwyn [Darwen], aged 65, tenant to John Osbaldeston, Esq., has heard that the then tenants put John Ratcliff in trust to take the lands called Hoddelsden [? Haslingden] by copy of court-roll to their uses.

The tenants bore the charges of the fines and copies.

They have occupied the lands for about 42 years, and paid their rents to the King's receiver, and have paid yearly to John Ratcliff and his heirs for turbary and common of pasture in Hoddelsden 26s. 8d.

James Heardmon of Ratcliff, aged 30, deposes as above.

William Yate of Ecclishill, aged 60, tenant to Gilbert Holden of Haslynden [Haslingden], says that defendants were in an out-house of James Yate and "of one of the sonnes of Giles Holme;" for what intent he knows not.

Nicholos Haworthe of Lower Derwyn, aged about 60, tenant to Sir Thomas Talbot, Knight, as above.

The said plaintiffs showed before the said Commissioners an indenture dated 21st September, 21 Henry VII. [1505], between John Ratcliff, Esq. of the one part, and Nicholas Croke and others, then tenants of the lands in variance, whereby it appears that the said John was put in trust by them to take the said lands, they discharging him of all rents due to the King, and paying him yearly 26s. 8d. for common of pasture and turbary in Oswaldtwyssel.

Depositions taken on the part of defendants.

Richard Haworthe of Accrington, aged about 80, tenant to the King, says that he was present at the King's court at Accrington when John Ratcliff, Esq., made his fine for the land now in variance; also when John Ratcliff the younger, cousin and heir of the said John, likewise made fine for the same in open court at Accrington; also when Elizabeth, Agnes, Yssabell, and Ellen, sisters and heirs of the said John Ratcliff the younger made their fines for the same in open court there. Roger Robartes, son of Henry Robarts and the said Yssabell, "*was* admitted tenants and likewise made theyre fyne." Mary, late the wife of John Ratcliff

the younger, is endowed at this present of the fourth part of the said lands in variance and has been for about 30 years.

Richard Heape of Rossendale, aged 65, tenant to the King and "Grave" of Rossendale, deposes as above.

The defendants brought before the said Commissioners a copy dated Monday next after the feast of the Holy Trinity, 22 Henry VII. [1507], whereby it appears that the said John Ratclif the elder took a certain vaccary called Hodlesden, now in variance, and another small parcel of land called New Hey, to him and his heirs.

Also a copy dated at Accrington the Thursday next after the feast of St. Mathew the Apostle, 5 Henry VIII. [1513], whereby it appears that John Ratcliff the younger, son of Roger Ratcliff, took the said vaccary to him and his heirs.

M. I. C.

Also a copy dated Friday next after the feast of the Invention of the Holy Cross, 10 Henry VIII. [1518], whereby it appears that Yssabell, Ellyn, Agnes, and Elizabeth Radclif, sisters and heirs of John Ratclif the younger, took the said vaccary to them and their heirs.

Also another dated Friday next before the feast of SS. Simon and Jude, 23 Henry VIII. [1531], whereby it appears that Elizabeth Ratclif, after the decease of her sister Ellyn Ratclif, took the third part of one messuage and of all the lands in Hodlesden now in variance.

Also another of the same date, whereby it appears that Agnes Radclif, after the death of the said Ellyn her sister, took another third part of the same.

Also another dated 11th Nov., 1 Edward VI. [1547], whereby it appears that Edmond Entwissell, and Elizabeth his wife, took all those messuages and other buildings, lands, meadows, pastures and mosses lying in Hodlesden, of the yearly value of £3 os. 10½d., to them and their heirs.

Edmond Entwissell said before the said Commissioners that the indenture dated 21st Sept., 21 Henry VII. [1505] is false, forged, and of none effect, for proof whereof he says that the

sisters of John Ratclif the younger took the said lands as appears by copies thereof made, and that the tenants have ever since paid to the said sisters and their heirs the yearly rent of 26s. 8d., and nothing to the Earl of Sussex, owner of the said Oswald-twissel.

Andrew Barton.

Thurstan Tyldisley.

John Kechyn.

DECREES AND ORDERS, EDWARD VI., BOOK 9, FO. 42.

TRINITY TERM. 3 EDWARD VI. [1549].

4th July.

“Concerninge the matter in varyance dependinge before the Chauncellor and counsell of the Duchie of Lancaster, betwene Henrye Mawdesley, James Yate, and others, partie playntiffes, vpon th’ one partie (And Edmunde Entwysell, Elizabeth his wyf, Henry Roberts, and Isabell his wyf vpon th’ other partie) It was agreyd by th’ assentes of bothe the said parties by the mo^oon of the Councell of the Duchie, that the parties sholde abide th’ order of Sir Richarde Towneley, Knight, and John Kitchyn, esquier, for the determyna^ons of the varyances, and if the said Sir Richarde and John Kitchyn can not make an order in the p^omiss before the feast of sainete Mychell next comⁱge, Then the parties to appere before the Chancellor and Councell of the duchie in the morne next after the feaste of all sowles, and then and ther to abide suche order and Judgemēt in the p^omiss as shalbe thought resonable by the Chauncellor and counsell.”

JOHN AMBROSE *versus* ALICE PRISCOTE, WIDOW, AND EDWARD
PRESCOTT AND OTHERS, *re* FORCIBLE ENTRY AND TORTIOUS
POSSESSION OF LANDS, &C., AT DALTON, &C.

*To the right honorable Sir William Pagett, Knight of the honorable
order of the "garthe," "Countereller" of the Kinges Majesties
most honorable houshold and Chauncelor of his
Duchie of Lancastre.*

HUMPLY complayning shewith your daily orator John Ambrose, that whereas King Henry VIII. was seised in his demesne as of fee, as in the right of his Duchy of Lancaster, of a certain parcel of land in Dalton called Dalton Hey, in the county of Lancaster, with meadows and pastures lying about the same, with their appurtenances, and also of another parcel of ground in Dalton called Gostelow *alis* Gorstfeld, parcel of the possessions of the late Monastery of Burscough, in the said county of Lancaster: and so being seised, by Letters Patent dated the 25th November in the 37th year of his reign [1545], granted the said premises to plaintiff: to hold from the feast of St. Michael the Archangel then next following, for 21 years, he paying to his Majesty £4 for the parcel of land called Dalton Hey and 10s. for the land called Gostelow: Now so it is that Alice Priscote, widow, and Edward Prescott of Dalton, have wrongfully entered into the premises and expelled plaintiff, and forcibly detain the same and will in no wise suffer him to occupy it, to the disinheritance of the King and to the manifest wrong of your orator. As plaintiff is unable to pay the rent reserved upon the said lease unless he can occupy the premises, he prays that Letters of Privy Seal may be directed to the said Alice and Edward, commanding them to appear to answer the premisses.

Vol. xxiii.
[Calendar 1.]
A. 3.
2 Edward VI.
[1548-49.]

"Termino Pasche A° RR E. vj^{ti} Secundo [1548].

Hereupon a Privy Seal to Alice Priscott and Edward Priscott, to appear xx^{ne} Trin. prox."

Humbly complayning shewith John Ambrose, &c. [as before stated]. A. 3. a.

By force of which Letters Patent plaintiff was possessed of the said premises until the 14th day of July last past [1547], when James Prescote of Standishe, in the county of Lancaster, husbandman; Edward Prescote of Dalton, yeoman; and John Prescote, the son of Richard Prescote of the same, labourer, with twelve or more riotous persons to plaintiff unknown, unlawfully assembled themselves at Dalton, and with force and arms, to wit, with "longe quarter Staives" and other weapons of war, assaulted plaintiff, and him did "beate, wonde and evill entreate, that he thereby was in daunger and perill of his lieff;" and moreover they riotously entered the said premises and expelled plaintiff, and will not allow him to occupy the same.

Plaintiff prays that Letters of Privy Seal may be directed to the said riotous persons, commanding them to appear to answer the premisses.

"Termino Michis A° R-R E. vj^{ti} ij^{de} [1548].

Hereupon a privy Seale to the said persons to appear viij^{as} Hillarii prox."

[No answer].

ROBERT HOLTE *versus* CHRISTOPHER NUTTOWE AND ARTHUR
KAY, TENANTS OF THE EARL OF DERBY, *re* RIGHT OF
COMMON ON ASHWORTH WASTE AND BOUNDARIES
OF THE WASH.

Vol. liv.
[Calendar 6.]
H. 2.

2 Edward VI.
[1549-50.]

COMMISSION dated 8th July, 3 Edward VI. [1549], directed to Sir William Ratcliff, Sir Thomas Holte, Sir Robert Langley, Knights, and Thurstan Tyldesley, esq.

Whereas certain variance of long time has been depending between Robert Holte, plaintiff, of the one part, and Christopher Nuttowe and Arthur Kay, tenants of our well-beloved cousin Edward, Earl of Derby, defendants, of the other part, for the use of a certain common called Assheworth, in the county of Lancaster. We willing a "quietnes" to be had between the said

parties, desire you to "prepayre" yourselves to the said waste ground and call before you the said parties, &c., &c.

Commission dated 8th Dec., 3 Edward VI., directed to Sir William Radclyf, Knight, and William Bromley, gent.

H. 2. a.

The Certificate of Sir Thomas Holt and Sir Robert Langley.

H. 2. d.

According to the above Commission we appointed a certain day to meet upon the said ground, and commanded both the parties to be there with all their witnesses, evidences, &c.: upon which day we viewed the ground and the bounds thereof, but could do no good because the said Sir William and Thurstan would neither examine the witnesses of the plaintiff nor agree to one "platt." Afterwards, at the request of plaintiff, we sent to the said Sir William and Thurstan, willing them to be on the said ground the 19th Oct., before which day the said Thurstan wrote to plaintiff, willing him to defer the said matter until Easter term or Candlemas term, or else they would not be at the said place on the said day. We again viewed the said ground and made a "plat" thereof and examined all the witnesses. As some could not "labure" to the said ground on account of great age and impotence, we rode to their house and examined them upon the said interrogatories.

From Agecrose [Agecroft], 25th Oct., 3 Edward VI. [1549].

Thomas Holt, K.

Robert Langley, K.

Edmund Wolfynden, tenant to Thomas Belfeld, aged 70, says that for 54 years he has known the said meres called Warmedenhed, Foulbrige, Foulbrigker and the Cowlomme near Henryrowde, out of which moss and waste ground there springs a water or a "beke" that runs into Penkesden: at some seasons of the year the said "beke" is dry.

James Herdman, tenant to Philip Strangwis, aged 70, deposes as above.

Thomas Grene, aged 52, knows all the said meres.

Robert Naden, aged 51, knows that the said boundaries are within the several ground of Assheworth.

Alane Holt, aged 63, deposes as above.

H. 2. c.

Depositions taken at Bury 21st January last.

Roger Nuttawe of Rossyndale, smith, aged 76, tenant to the King, says that the water running on all the west side of the said waste called Assheworth is called Cheseden Broke and not Penkesden: the said brook is not a mete or boundary between the lordship of Burye and Assheworth [Ashworth].

All the said waste in variance is parcel of the lordship of Burye, and lies within the parish of Bury, and that not part thereof lies in Assheworth, in the parish of Myddelton [Middleton]. The Earl of Derby is the rightful owner and possessor of the freehold of the said waste.

Deponent knows that the tenants of the said Earl and of his ancestors, and before their time of Sir Thomas Pylkyngton, of the lordship of Bury, have always had the occupation of all the said waste with their cattle, without interruption of any until lately.

The tenants of the said lordship of Bury have always paid their tithes for their cattle renewing upon the said waste to the parson of Bury and not to the parson of Myddelton [Middleton].

The water comes direct from a place lying at the north end of the said waste called Cheseden Linne, and so descends and goes west and south from the said Linne past all the said waste, and by all that space the name of the said water is Cheseden Broke. Has never heard the same called Penkesden, until now of late that the said Robert Holte "namethe hit so."

The ditch going from Cheseden Linne south-east to Codshawe Bowre is called the White Ditch, and is a "meyre" and division between the parish of Bury and the parish of Rachedale [Rochdale].

The ditch coming from the Codshawe Bowre westward to Horelowe Shawe, and from thence southward to the Hare Hyll, and also Stanley Syke, "be the verey meres, Bundaries and devision" between the parish of Burye and Assheworthe in the parish of Myddelton. The tenants of the lordship of Bury have "used to entercomen" past all the said Meres on Wyndle within Assheworthe, and further until "hit come to the several Inclosures of the said Roberte Holte."

Jeffraye Brydge of Totyngton [Tottington], aged 75, tenant to John Grenehalgh, Esq., has never known the said water to be called anything but Cheseden Broke. Has heard that the water of Penkesdeyne meets Cheseden Broke "ferre bynethe" all the said waste.

Richard Heype of Rossyndale, aged 67, tenant to the King, deposes as above.

Olyver Holte of Rossyndale, aged 75, tenant to the King, has ever since he was eight years old heard the said water called Cheseden Broke.

Rychard Broke of Totyngton, aged 71, the King's copyholder, deposes as above.

Robert Smethurst, aged 91, tenant to Arthur Smethurst, says that when Sir Thomas Pylkyngton was lord of Bury, deponent drove his father's cattle, then being charterer to the said Sir Thomas, to the said waste. All the other tenants of the lordship put their cattle there also and occupied the waste without interruption from anybody until just lately. Deponent's father also appointed him to look after the lambing of his sheep, saying that for those that did lamb on Stanlees or on any other part of the said waste, he must pay the tithe to the parson of Bury; if on the north side of the White Ditch, he must pay for the same to Rachedale [Rochdale]; and if beyond Stanley Syke on Wyndle Hill, then he must pay the tithe to the parson of Myddelton [Middleton].

More than 70 years ago deponent heard aged men say that the water of Penkesdeyn begins at Warmeden Well, thence running down to Cattes Oke, between High Assheworth and Lowe Assheworth, and "so furthe descendyng down" between the lands of Assheworthe and Gristylhurst [Gristlehurst].

John Kaye of Basthowse, aged 72; Bertyne Kaye of Tuche Roode, aged 75; Peres Lomalx of Dwerributtes, aged 72; Thomas Woode of the Halghe, aged 64; Henry Lorde of Bury, aged 58; Elles Fleccher of Wamersley [Walmersley], aged 75; Roger Kaye of Shepulbothom, aged 53; and Bertyne Kaye the younger, aged 53, tenants to the Earl of Derby, say that the water of Penkes-

deyne "cometh out of a place in Assheworthe lieng southe from the wast in varyaunce called Warmeden Well, and so goythe a lytle waye Est ward and then turnethe and goythe Southward to a place wheare a grett oke dyd growe called Cattes Oke, And So descendeth styll Southward Betwene the landes of Grystyllhurst [Gristlehurst] on the west Syde and Assheworthe on the northe est Syde, And that the same water of Penkesdeyn metithe with Chesedeyn Broke more than halfe a myle benethe all the wast in varyaunce."

James Howorthe of Ballydeyne, aged 90, tenant to the King; Christopher Lumalx of Totyngton, aged 82, tenant to Christopher Bothe; and Jeffray Brydge of Totyngton, aged 67, tenant to Thomas Aynesworthe, depose as above.

Laurence Tayleor of Eytynfeld [Edenfield], aged about 70, tenant to Francis Gartside, says he knows his father paid the tithe to the parson of Burye for "Cattall wiche dyd Renewe upon the said wast." Eight or nine years ago deponent "herde saye" that Oliver Holte, father of Robert Holt, plaintiff, paid to the officers of the Earl of Derby certain money as amends for getting turves upon the said waste without license of the said Earl or his officers.

Christopher Holte of Hollyngreyve, gent., aged 48, and John Brydge of Totyngton, gent., aged 58, copyholders to the King, depose as above.

Richard Baturbe of Bury, aged 74, tenant to John Grenehalghe, Esq.; Edmund Lache, aged 50, charterer to the Earl of Derby; and Rauff Holte of Bury, tenant to John Grenhalgh, Esq., aged 59, know for certain that Oliver Holte, plaintiff's father, paid into the hands of James Grenehalghe, deputy steward of Burye, 16d. as amends for trespassing upon the said waste.

Edmund Frythe of Redyvalles [Redvales], aged 25, says that about eight years ago he was servant to John Howorthe of Assheworth, and that Stevyn Holte, father-in-law of the said John Howorthe and tenant to Robert Holt of Assheworthe, plaintiff, aged about 80, told deponent that the water running near the said Howorthe's house in Assheworth was the water of Penkesdeyne, and that it rose out of a place in Assheworth called Warmeden

Well, and that he (Steven) had known the same by the name of Penkesdeyne for 40 years, but dare not call it Penkesdeyne for fear of displeasing the said Robert Holte his landlord, because of the suit then depending the said waste. Penkesdeyne water meets Cheseden Broke about three-quarters of a mile beneath the said waste.

Olyver Lowe of Tottyngton, aged 56, tenant to Christopher Holte of Hollyngreve, gent., deposes as above.

Adam Roustorne of the Linne, gent., aged about 60, deposes as above.

Thomas Nuttawe of Tottyngton, gent., aged 67; James Bamforde, aged 50, copyholders to the King, and Thurstan Roustorne of Bury, aged 64, charterer to John Grenehalghe, Esq., depose as above.

Robert Lyvesaye of Byrtyll, aged 63, and William Holte of Wallmersley [Walmersley], aged 68, tenants to Robert Holte of Stubley, Esq., depose as above.

Richard Marcrofte of Chesum [Chesham], within the parish of Bury, aged 76, deposes as above.

Adam Bamford, gent., aged 46, and Richard Medowcrofte, gent., aged 29, as above.

Thomas Reyde of Totyngton, aged 66, tenant to Christopher Holte, never heard the water of Cheseden called Penkesden until within the last year-and-a-half.

Thomas Nabbes of Tottyngton, gent., aged 63, copyholder to his Majesty, knows very well that the tenants of the lordship of Bury, and of other parishes and places thereabouts, have paid tithes for their cattle renewing upon the said waste to the parson of Bury, and not to the parsons of Myddelton [Middleton] or Rachedale [Rochdale], because his (deponent's) uncle, Sir John Nabbes, late parson of Bury, appointed one Jeffarye of Cheseden [Cheesden], whose dwelling adjoined the said waste, to oversee and look well after the cattle of strangers which should happen to come within the said waste and there renew, to the intent that the owners thereof should not conceal or withdraw from their duty as to the tithe thereof. Deponent knows that the said parson gave

to the said Jeffray part of the profits so arising for the pains he took in the matter.

Edmund Lowe of Tottynghon, aged 64, copyholder to his Majesty, as above.

James Romesbothom of Tottynghon, aged 76, tenant to Richard Romesbothom, knows the water coming out of Cheseden Linne and running past all the said lands now in variance by the name of Cheseden Broke, "contynewelly Sythens Kyng Richardes ffield," and during all that time never heard it called Penkesdeyne until within the last year-and-a-half.

James Hewood, gent., aged 50, as above.

H. 2. g. Depositions taken at Assheworth upon the ground in variance, 19th October, by Sir Thomas Holt and Sir Robert Langley.

Edmund Wolffynnden, tenant to Thomas Belfeld of Cleggiswod, aged about 70, well knows the metes and boundes of the said ground, the first whereof is called Standlesike, another Widdilshay, another Risshelaiche, another Horelowshey, and so to Penkisdén-broke, and so following and descending the said water of Penkisdén to the first mere called Standlesike.

About 54 years ago deponent dwelt with Rauff Hamor in Chesome [Chesham], within the parish of Burre [Bury], and was sent to drive his master's cattle into Depemosse, and from Depemosse he would have put them over the water of Penkesden into Standless parcel of the premises, but there Judd Holt said to him "ffaire sone thou shall drive non over the water, ffor that is my maisters ground." When deponent told how he had been stopped, his master said to him "I de the drive never to that platt, ffor it is non of my Coiem."

The said water has always been called Penkisdén water during deponent's remembrance, and this he can prove, for when he was "bott of small age he was in company with theyme y^t did hunt in the woddés of Assheworth, and when the game was founde, iff hit did goo and flee of the west partie, then all men wold say goo oppe the water of Penkisdén vnto Cheisdénlomme, and ther ye shall haue a Course."

The said water is a special boundary of the west part of the said ground.

The said water called Cheisden lies north from the water of Penkisden, and falls into it at a place called Cheisdenlome, where it loses its name of Cheisden.

The said waste ground extends northward only as far as Cheisdenlome.

The said water of Penkisden takes its name at and from Cheisdenlome, and so runs southwards to a water called Naden, and there Penkisden loses its name, and by deponent's estimation is in length two miles and more.

Elles Chadweke, tenant to John Chadweke of Elwodrowde [Ellenrod], aged 84, as above.

Roger Nuttowe, tenant of Richard Assheton of Middelton, Esq., aged about 74, says that he has fished in Penkisden water for 60 years and more, and that William Medowcroft, gent., said to him "goo into Penkisden and begyne at Byrchynnase oppon the more, and ther no man will blame the except Mr. Holt, and he is thy ffrende."

—...s Heiwade, tenant of Richard Assheton of Middilton, Esq., aged about 70, as above.

Edmund Holt, tenant of Laurens Raustorne, aged 60 years and more, says that he was born in Bamefurth [Bamford], within the parish of Burre [Bury], and lived with his father, who about 50 years ago "dyd lay and giest"¹ his sheep many times to Standlees parcel of the ground now in variance, and paid to the same to Oliver Holt in "Mawying and sheringe" and other work.

Thomas Greve, tenant to Robert Chadweke, aged 52 years and more, as above.

Jamys Herdman, tenant of Philippe Strangwis, aged about 73, says that immediately after "Kinge Rið ffeild," the tenants of the lordship of Burre hearing of the Lord of Derby and a multitude of "Walshemen" that he brought with him, were afraid that the said "Walshemen" would spoil and rob their goods and chattles, so they brought their "catalles" over the water of Penkisden into

¹ Agistment is feeding cattle on common land.

the ground in variance, by the sufferance of the lord of Asshe-worth, to the intent they might go in "savegard" there, and divers of the said tenants brought "much goodes and catalles" to deponent's house to be kept in safety there.

Alan Holte, tenant to Adam Bameforth, aged 64, says that when he lived with his father in Bury 50 years ago, they had licence from Oliver Holt of Asshe-worth to keep their sheep in the said ground, and sometimes in stormy weather deponent drove them to a place called Dirpulhill, and to Sandstanbanke and Stanelees parcel of the said ground, when William Kay, father of Arthur Kay defendant, and divers other tenants of the lordship of Burre [Bury] were present, who never found fault with him for so doing, indeed, the said William Kay has many times said to deponent, "sone go home, thy shepe will take no harme here, ffor they will go to the best Socure."

Robert Chadweke, tenant to Robert Holt of Stubley, Esq., aged 87, says that the heirs of Asshe-worth have had peaceable possession of the said ground for 50 years and more till now of late.

H. 2. h. i. [Plans of the ground in question.]

ROGER HYNDLEY *versus* GRACE TURNOR *alias* GRACE HYNDLEY
AND ROBERT HER SON, *re* DIVORCE OF HUGH HYNDLEY
AND ELLEN HYNDLEY.

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[Calendar 6.]
H. 6.
3 Edward VI.
[1549-50.]

I NTERROGATORIES to be administered to Richard Smythe, clerk, on behalf of Roger Hyndley, touching the matter in variance between the said Roger, plaintiff, and Grace Turnor, otherwise called Grace Hyndley, and Robert, son of the said Grace, otherwise called Robert Hyndley, defendants.

21st May, 3 Edward VI. [1549].

Richard Smythe, parson of Bery [Bury], in the county of Lancaster, clerk, aged about 68, examined at Westminster, knew William Knight, clerk, who was heretofore Archdeacon of Chester, and also knows Adam Bekensall, clerk.

Never saw any commission made by William Knight to Adam Bekensall, constituting him his official within the Archdeaconry of Chester.

The said Adam sent to deponent's house at Bery [Bury] two commissions: in the first of these there was no mention of his hearing and determining matters of divorce, so deponent returned it at once to the said Adam, who immediately sent another commission of deputation to deponent of the date above mentioned, ordaining deponent to be his deputy to hear all manner of causes. As deponent dwelt 38 miles from the consistory he was made deputy to hear all matters for the quietness of the King's subjects.

Deponent at once sat by virtue of the said Commission, but cannot remember what day: it was in 1522.

Deponent had not in his custody the same seal wherewith the said Adam sealed deponent's patent of deputation, but he had another seal "lyke yn prynt lesser a quantyte and gravyn and a marke yn the seyd seale, wherby the on maye be knowen ffrom the other."

Deponent gave sentence of divorce between the said Hugh Hyndley and Ellen Hyndley, otherwise called Elyn Langton, because they were both married within the age of "concente," and when they came to the full age of "concente" they would not ratify and agree to the said marriage.

The said Ellen confessed to deponent that the said Hugh Hyndley, her late husband, had known her carnally divers and many times during the marriage and espousals had between them. This declaration was made long after the divorce. The said Hugh and Ellen were both sworn before the matter began, and then they both swore to the contrary.

Gylberd Hyndley, late the elder brother of the said Roger Hyndley, sued him upon an action of "Jactytacyon, in the Courte Crystyan of the Arches," concerning the divorce, for publishing the same, but in what year this took place and how long it lasted deponent does not remember. Thomas Stacey was his attorney or procurator and Doctor Byrche his advocate.

The cause of the "lybell" and complaint made "agen" him in the said suit by the said Gilbert, was that deponent before that time had openly reported that he had justly separated and divorced the said Hugh Hyndley and Ellen Langton.

Deponent in his answer affirmed that he had justly divorced the said parties without any "Jactytacyon."

The said Thomas Stacey being his attorney shewed a sufficient commission whereby deponent was authorised by the said Adam Beckynsall to make or publish any divorce of matrimony within the said Archdeaconry. The said commission has been "rased" since the sealing and delivery thereof, and the word "rased" was where it was vicesimo s̄do, s̄do being "rased" and made primo, but where, when, and by whom done, who was privy thereto, or for what cause or purpose done, or whether the said commission was ever registered or enrolled, deponent does not know.

Deponent heard that Mr. Sneyde searched all manner of acts, processes, and things there registered concerning the said divorce, but whether he had any commission out of the said Court of Arches, or whether he found any such commission whereby deponent should be authorised to publish a sentence of divorce, deponent knows not.

Deponent heard that the said Gilbert Hyndley had stolen a sentence or judgment in the said court against him, but whether deponent was condemned to pay any costs to the said Gilbert, or for what cause the said judgment was, or that the judgment concerning the matrimony had between the said Hugh Hyndley and Ellen Langton was affirmed to be lawful, or that the matrimony had between the said Hugh Hyndley and Grace Turner was thereby affirmed to be unlawful or not, deponent does not know.

Since the divorce, deponent desired John Chetam, deputy registrar, to amend all the acts, books, and processes concerning the said divorce, to make them agree, and not to hurt any of the parties, but what words have been altered and "rased" deponent knows not. "Hyt" was not by no man's means or desire that the said records were mended, and there was nobody privy thereto except the said Chetam. There was never promised or given any

sum of money or other "pleasures," profit, or commodity to deponent or to any others to his use for granting the said divorce, beyond the "ffeyes ordynary" of the court.

Nobody has promised deponent any profit or commodity to the intent that in his examination this term he should show any favor to Grace Turnor and Robert her son.

22nd May, 3 Edward VI. [1549].

H. 6. h.

Adam Beckensawe, parson of Bryngton [Brington], in the county of Huntingdon, clerk, aged about 63, knew that the said William Knight, clerk, was Archdeacon of Chester, and so being, by commission ordained deponent to be his official within the said Archdeaconry of Chester: which said commission was dated November about 27 years ago.

Deponent appointed the said Richard Smythe, clerk, to be his officer within the Archdeaconry to hear and determine causes of correction and probate of Wills, but *not* causes of divorce. Does not know whether the said Richard or others forged any such commission.

Richard Woodward of Chester, moved deponent at the "rosse taverne," within Newgate, about six days ago, to agree "in sayings" with the said Richard Smythe, or else they would both go to the Fleet, whereto he replied that he should "dryncke his dryncke" and talk of other matters and let that matter pass.

John Chetam of the City of Chester, yeoman, aged 36, has seen a copy of a commission registered in a book being in the Registry which the said William Knight made to the said Adam Beckensall, appointing him his official in 1522.

Has also seen a commission of deputation made by the said Beckensall to the said Richard Smythe, wherein there was a clause authorising him to hear and determine causes of divorce and nullity of matrimony within the said Archdeaconry: which said commission was dated January, 1522.

Only knows of one commission which was "rased" by his master Thomas Stacey, then registrar of Chester, in the presence of deponent and the said Richard Smythe in the house of office

at Chester : it was "rased" in the date, the word *secundo* being altered into *primo*.

The books and processes concerning the said divorce between Hugh Hyndley and Ellen Langton are interlined, but whether it was done before or after the said divorce, or by whom done deponent knows not.

Nobody ever promised deponent money or anything else if he would alter or interline anything in the said processes, sentence, or letters, and he never did alter any of them ; or if he would conceal anything touching the said divorce.

Deponent and Richard Smythe never agreed as to what they should say when examined concerning the said divorce.

H. 6. j. Examination made by John Caryll, attorney, of Richard Smyth, clerk, 23rd May, 3 Edward VI. [1549].

The commission which deponent had of Adam Bekensall, remained in his (deponent's) hands after he had given the said sentence of divorce until after the death of the said Hugh Hyndley, and then when the cause of the said divorce was in question, deponent, at the request of Gilbert Hyndley, brother of the said Hugh, delivered it to George Alee, receiver. When the said Beckensawe saw it he affirmed it to be his act and deed, and wrote to the Chancellor of Lichfield ratifying it.

16th May, 3 Edward VI. [1549].

H. 6. k. Adam Bekensaue, parson of Bryngton [Brington], did not know that the said Smythe, by force of his commission, examined in the said divorce case until the matter was in suit at Lichfield.

Did not affirm the same in his letters to Doctor Pole, Chancellor to the Bishop of Lichfield, nor ratify the doings of the said Smythe. Never received money to the value of one farthing, nor any reward from the said Gilbert Hyndley, or any of his brothers, for his favour in this matter. Deponent "passethe" not which of the said parties recovers the said lands and tenements.

Knows nothing about any embezzling, cancelling, or "rasyng" of any of the records or acts made in the said divorce case.

When deponent was an official of Chester, the records, acts, and processes made before such official were kept in a chamber in the Archdeacon's house, beside St. John's Church. Sir Richard Smythe, parson of Bery [Bury], had access to the said records.

There were no records at Chester when deponent went there, but afterwards there was such diligence used for keeping them that none of them were lost or stolen.

18th May, 3 Edward VI. [1549].

Richard Smythe, parson of Bery [Bury], says that he has been official and deputy to every official of Chester for 36 years or more, from each of whom he had a commission of deputation in writing under their seales to hear and determine causes of divorce and all other matters. Deponent is still officer to this day.

H. 6. l.

Deponent pronounced the marriage between the said Hugh and Ellen Langton to be "in validū et de Jure nullū."

The said Gilbert Hyndley promised deponent the preferment of one of his tenements if he would show him favour in this matter. Deponent has an obligation of the said Gilbert, but does not remember the condition thereof.

After the court was over deponent repaired to the house where the records were kept and examined witnesses there. Since Chester has been made a Bishopric the records are at deponent's office, and John Chetam is registrar.

20th May, 3 Edward VI. [1549].

John Chetam of the City of Chester, yeoman, was present twice when a "Scrutyn of sherche" was made in the register of the Archdeaconry of Chester for the acts and processes made in a cause of divorce between Hugh Hyndley and Ellen Langton.

H. 6. m.

Deponent was present when Dr. Vaughan and William Saye came to Chester to make a search into the said matter, and being deputy to Thomas Stacye, registrar, was present at the search, together with the said Dr. Vaughan, William Saye, Thomas Stacye, and Sir Richard Smythe, official of Chester; and another time when the whole matter of the divorce was certified, together

with George Wylmesley, clerk, Chancellor of Chester. Deponent has been registrar or deputy registrar for 18 years. Deponent was called as a witness in this matter and stayed here (Westminster) five weeks, which cost him four marks, in recompense whereof the said Gilbert was bound to him in an obligation to pay him 40s. towards his charges, but the money was never paid.

DECREES AND ORDERS, EDWARD VI.,

VOL 8, FO. 373 B.

Inter
Roger
Hindley
plaintiff et
Grace Turnor
et Robert
filium ejus
defendants.

For the matter in variance between Roger Hindeley, plaintiff, and Grace Turnor, otherwise called Grace Hyndeley, and Robert, son of the said Grace, otherwise called Robert Hyndeley, defendants. Whereas Gilbert Hyndeley, dec^d, brother of the said Roger, has exhibited a bill of complaint against the said Grace and Robert, alleging that Hugh Hyndeley, brother of the said Gilbert, was seised in his demesne as of fee, of one capital messuage called Hindeley Hall, in Aspul, in the parish of Wygan [Wigan], and also of 20 messuages, 500 acres of land, 40 acres of meadow, 60 acres of pasture, 10 acres of wood, 20 acres of turbary, and 40s. rent, with appurtenances in Aspull, Hyndeley [Hindley], Pemberton, Ince, and Parre, in the county of Lancaster, and died thereof seised, without issue of his body lawfully begotten, by force whereof all the said premises descended to the said Gilbert as brother and heir of the said Hugh.

Divers evidences concerning the said premises have come into the hands of the said Grace and Robert, who by colour thereof entered into the same immediately after the death of the said Hugh and took the profits thereof, and absolutely refuse to give up the same. Thereupon, at the request of the said Gilbert, his Majesty's Letters of Privy Seal were directed to the said Grace and Robert, commanding them to appear, which they did, and forasmuch as the said Robert was only about 7 years old, and as it was alleged that the custody of the body and lands of the said Robert belonged to Lord la Warre: therefore Thomas Bysshope, gent., one of the learned counsel of the said Lord la Warre, was assigned by the Court to be his guardian. Defendants then said

that it was true that the said Hugh Hyndeley, father of the said Robert, was seised of the said premises and died thereof seised ; after whose death they descended to the said Robert as his son and heir by the said Grace, the said Robert being under age, and one messuage, 100 acres of land, 20 acres of pasture, 10 acres of wood, 20 acres of meadow, one acre of moor, and one watermill in Aspull, parcel of the premises, were held of the said Lord la Warre by knight's service : therefore the said Lord la Warre seized the body of the said Robert and entered into the premises so held of him. The said Grace denied having any evidences touching the premises, and denied that the said Hugh died without lawful issue and that the premises descended to the said Gilbert as brother and heir of Hugh, and said that he (Gilbert) could not be the heir as long as the said Robert lived.

In his replication Gilbert Hyndeley said that about 40 years ago the said Hugh married Ellen Langton at the Parish Church of Wigan, according to the laws of Holy Church : she survived him and is still living. After the marriage they lived together as man and wife in perfect matrimony for more than eight years. Afterwards the said Hugh, contrary to the laws of Holy Church, married the said Grace Turnor *alias* Grace Hindeley, and had by her the said Robert, who was born during the matrimony between the said Hugh and Ellen, by reason whereof the said Robert is a bastard and unable to inherit any lands or tenements.

In their rejoinder defendants say that the said Hugh was lawfully married to the said Grace, he being then sole and unmarried, and that the said Robert was lawfully born. It was true that the said Hugh was married to the said Ellen, and that they were afterwards divorced within the county of Lancashire before Richard Smith, clerk, then being thereunto lawfully authorised. After the divorce the said Hugh and Grace were married and had issue the said Robert. The divorce continued unrepealed during the life of the said Hugh.

The said Gilbert then made his "Surrejoyndar" and denied that the said Hugh was ever lawfully married to Grace, and that the said Hugh and Ellen were divorced, because the said

Richard Smith had no authority to divorce them. As the said Richard Smith, after the death of the said Hugh, slanderously reported that he had divorced the said parties because they were married in their infancy, and afterwards at the years of "concente" would not agree thereto or consummate it, the said Gilbert commenced a suit against him in the "Courte Xtian of the Arches," and forasmuch as it was then duly proved that the said Hugh, after and during the marriage had carnal knowledge of the said Ellen, and forasmuch also as there was no record or court roll of the said divorce remaining in the court, and that the said Smith was not a competent Judge: Therefore the said Gilbert recovered his costs against the said Smith.

Afterwards a Commission was directed to Sir Assheton, Knight, and others, commanding them to examine witnesses for both parties, and another to the Bishop of Chester, authorising him to have all the acts and processes in the Registry searched for anything bearing on the said divorce and to make a certificate thereof.

Before any order was taken in this Court the said Gilbert Hyndeley died, after whose death the said Roger Hyndeley now plaintiff, brother of the said Gilbert and Hugh, exhibited a bill of petition in this Court, saying that the said lands ought to come to him because the said Hugh and Gilbert both died without issue of their bodies. The said petition was granted and plaintiffs ordered to attend at this Court, which they did.

Now forasmuch as by depositions and by two judgments, one whereof was given in the Court Christian between the said Gilbert plaintiff, and the said Smith defendant, and the other between the said Grace Turnor and the said Gilbert Hyndeley, it appears to the Court that the said Roger Hyndeley has sufficiently proved that the said Hugh Hyndeley married the said Ellen Langton at the Church of Wigan, and that they lived together in perfect matrimony for about eight years, and that the said Hugh likewise married the said Grace Turnor, and had issue the said Robert in the lifetime of the said Ellen, and that she survived the said Hugh, and forasmuch as defendants have proved nothing where-

by the matters alleged by the said Gilbert may be void, and forasmuch also as the said Robert has this day acknowledged that he is now aged 24 years and more, and knows that everything alleged by the said Gilbert is true, and that the said Roger has a perfectly good and lawful right to the said premises and to all the deeds relating thereto, and that he (Robert) has no manner of right and title to the same: It is there ordered and finally adjudged that the said Roger and his heirs may at all times hereafter for ever have and occupy all the said premises late the inheritance of the said Hugh his brother without any interruption from defendants. And it is further ordered that defendants, before the feast of St. Mary Magdalen next following, shall deliver to the said Roger all the deeds and evidences concerning the said premises.

Carill, John Grymysditche.

Rauf Barton. Robt. Hindeley.

THOMAS FLETEWOODE *versus* SIR LAWRENCE HALLYWALL,
PRIEST, *re* POSSESSION OF CHANTRY LANDS AND
DETENTION OF TITLE DEEDS.
ECCLESTON CHURCH.

To the Right Hon. Sir William Pagett, Knight.

THOMAS Fletewood, gent., complains that whereas in the Parliament held at Westminster, 1 Edwd. VI. [1547], it was enacted that all Colleges, Free Chapels, Chantries, and all lands, tenements, rents, tithes, pensions, portions, and other hereditaments to them belonging, should by the authority of the said Parliament immediately after the feast of Easter then next coming, be adjudged and also be in the very actual and real possession of the King and his heirs for ever, without any office or inquisition thereof to be had in as large and ample manner as the priests, wardens, ministers, governors, &c., at any time within five years next before the beginning of the said parliament had occupied and enjoyed, by force whereof his Majesty was seised of the late dissolved Chantry founded in the parish Church of Eccleston, in

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the county of Lancaster, with all the messuages, lands, tenements, &c., thereto belonging, as by a certificate thereof made and returned by the King's Commissioners more plainly may appear.

So seised, the King by deed dated at Hampton Court the 10th day of July, in the second year of his reign [1548], made between his Majesty of the one part and the said Thomas Flete-woode of the other side, demised to the said Thomas the said Chantry and all the lands, &c., thereto belonging, to hold from the feast of Easter then last past for the term of 21 years, paying therefore yearly to the King £4 os. 8d., by force whereof he entered the said premises and was therefore seised: But now so it is that Sir Lawrence Hallywall, late incumbent of the said Chantry, about the 20th day of June, 2 Edward VI. [1548], wrongfully entered the said premises and received the rents and profits thereof, and has moreover charged the tenants and occupiers of the premises not to pay any more rents to plaintiff, but to pay them to the said Sir Lawrence, by reason whereof the tenants withhold the said rents from plaintiff, so that he is unable to pay the said rent reserved to the King, to plaintiff's great loss. Divers evidences, charters, &c., concerning the premises having come into the hands of Sir Lawrence Hallywell, he by reason thereof not only intrudes upon the said premises and expels plaintiff from the same, but also entitles others to make title to the same, which greatly troubles plaintiff, he being the King's farmer.

Forasmuch as plaintiff has paid the rents due for the premises to the King and now stands charged with the payment thereof for the said term of 21 years, he prays that Letters of Privy Seal may be directed to the said Sir Lawrence, commanding him to "avoide" the possession of the Chantry, &c., and to allow plaintiff to enjoy the same and to take the profits thereof, and also to bring and deliver up to this Court all the evidences, &c., touching the premises, and further personally to appear to answer the premises.

"Termino Pasche Anno RR E. vj^{ti} tercio [1549].

Fiat process de Injuncōe secundum petitionem."

MILES GERRARD, MAYOR OF WIGAN, *versus* SIR ROBERT WORSLEY,
KNIGHT, HUGH CHALLONER, AND OTHERS, *re* CUSTOM
THE MAYOR SHOULD SIT AS A JUSTICE OF
PEACE AT SESSIONS IN WIGAN.

To the Right Hon. Sir William Pagett, Knight.

MYLES Gerrarde, Mayor of the town of Wygan [Wigan], in the county of Lancaster, complains that whereas plaintiff and all his predecessors, Mayors of the said town, by virtue of the ancient customs and liberties thereof, have always from time immemorial had and exercised the room and office of a Justice of Peace within the said town and the liberties thereof, and have always been accustomed to sit in commission with the Justices of Peace at every Sessions of Peace held by them within the town of Wigan, and to sit upon the bench with the other Justices, to see inquisition and redress made of all kinds of offences committed against the King's peace: But so it is that on the 1st day of June last past there was a Sessions of Peace held at Wigan by divers of the said Justices, together with Sir Robert Worsley, Knight, sheriff of the said county, to enquire into all offences thus committed, at which Sessions plaintiff took his seat on the bench as usual, when the said Sir Robert suddenly rose from his seat and in a great rage came to the place where plaintiff was sitting on the bench, took him by the arm and pulled him off the bench, saying openly with a loud voice, that he should not sit there, as it was no place for him.

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Immediately after those words, spoken in the presence of about 300 people there assembled, one John Cokyne (?) otherwise called John Stables, Raffe Legh, Jonet Bradshawe, John Longworth, ... Hyndeley, Nicholas B....., Hugh Chawlynor, Thomas Lee, Thomas Whyttell, William Derbyshire, Thomas Sotheron, John Sotheron, and divers others to the number of 15, being the servants and friends of the said Sir Robert, in most violent manner pressed against plaintiff, and pulled him by his arm out of his said seat.

[The rest of the document is quite illegible.]

SIR ROBERT LANGLEY, KNIGHT, *versus* THOMAS HOLLAND,
re LANDS AND DESTRUCTION OF WEIR TO A
 MILL AT PRESTWICH.

To the Right Hon. Sir William Pagett, Knight.

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 L. 3.
 3 Edward VI.
 [1549-50.]

SIR Robert Langley of Agecrofte, in the county of Lancaster, Knight, complains that where he is seised in his demesne as of fee of certain lands and tenements in the parish of Prestwiche, adjoining the river called Irewell [Irwell], on the east side thereof: and whereas Thomas Holland of Clifton, in the said county, Esq., is likewise seised in his demesne as of fee of certain lands and tenements lying in Clyfton, adjoining the west side of the said river, by reason of which lands the whole stream of the said river between the same belongs to plaintiff and the said Thomas Holland: and they being so seised, plaintiff about six years ago wished to build a water mill upon the said lands, and not being able so to do until he could get of the said Thomas some of the lands on the west side of the said river thereupon to set a certain ground "weyre" to keep the water for his said mill, plaintiff applied to the said Thomas for so much of his said land as was necessary for this purpose: to this the said Thomas willingly agreed and desired plaintiff to proceed with the building of the said mill, which would not only be a convenience to him, but also a great help and pleasure to divers of the poor tenants and farmers both of himself and plaintiff. Thus assured he was willing to begin building, and then it was further agreed between the parties that certain assurances should be drawn up in writing, setting out all the circumstances of the case, to wit, that plaintiff should have one parcel of a close called the Home and one parcel of a close called the Calf hey, lying in Clifton, parcel of the inheritance of the said Thomas Holland, containing 1 acre 5 roods, lying within certain boundaries by the said parties then appointed, for the which the said Thomas was to have in exchange one parcel of land called the Lommes, lying in the town of Pendleburie [Pendlebury], containing 1 acre 15 roods. The said Thomas

further faithfully promised that plaintiff and his heirs should from time to time for ever have one ground "weyre" upon the said river of Irewell [Irwell] to keep the water for the said mill, and that it should be lawful for plaintiff to build the said ground "weyre" upon the river at his pleasure, to be made in length 20 yards and in height 28 inches above the "grounde syll of the weyre," and also that plaintiff should have "2 footes of assyse of draught water" above the "grounde syll of the fludde yates of the said weyre," there to be kept for the said mill at plaintiff's pleasure, and that it should be lawful for him at his will to make higher the ends of the said "weyre" above the 28 inches for the defence thereof. On his part plaintiff promised that he and his heirs should from time to time keep harmless the inheritance of defendant, concerning the decay and waste of ground that might thereafter happen by reason of the water and river. It was also agreed that plaintiff should at all times then following have a convenient way over and upon the said close called the Home, and to have free liberty to carry and recarry such timber, stones, and other things as should be needful for the repairing of the said mill and "weyre," and that he should pay for the said way as follows: when the same should be sown with wheat, after the rate of 40s. the acre, when sown with barley at the rate of 26s. 8d. the acre, when with oats, then after the rate of 13s. 4d. the acre, and when the same should not be sown at all, then for the grass thereof at the rate of 6s. 8d. the acre, with divers other articles concluded between the said parties. Plaintiff then fully trusting all defendant's promises, built the said water mill and the said "ground weyre" upon the land belonging to himself and the defendant, which buildings cost him 300 marks and more; he has enjoyed the same for three years and more, and the profits thereof have been yearly 40 marks and more, and all the time defendant has been pleased with the said mill. Plaintiff trusted the said defendant so completely that no deeds were sealed or delivered between them, nor any other sufficient assurance in writing, except a draft which was signed by them both: But now so it is that the said Thomas Holland, forgetful of his promises,

not only refuses to make any lawful assurance of the premises, but also about the 20th day of June last [1548], accompanied by six persons to plaintiff unknown, came to the said ground weir and pulled up and broke down one half thereof standing in the said river and upon the west side thereof, by means whereof all the water course that ought to serve the said mill now issues out of the said place, so that plaintiff cannot at the present time take any profit from the mill, which is a great loss not only to him but to all the country round, as they have been accustomed to grind their corn at the said mill.

As this is the best time of the year to rebuild the ground weir, and because if it is not rebuilt now plaintiff will most likely lose all the profits for the whole of the year, he prays that a writ of injunction may be directed against the said Thomas Holland, commanding him not only to allow plaintiff to make up the said ground weir and to enjoy the same as he used to do, but also to appear and answer the premises.

“Termino Trin. A° RR E. vj^{ti} tercio [1549].

Hereupon an injunction to Thomas Holland to answer on the morrow of All Souls next.”

HENRY DYNELEY *versus* RALPH GREENACRES AND OTHERS,
re TITLE TO LANDS AT DOWNHAM.

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[Calendar 5.]
D. 1.
3 Edward VI.
[1549-50.]

THE answer of Richard Greneacres to the bill of complaint of Henry Dynley.

Defendant says that he does not claim any estate, term, or interest in the said manor of Downham Hall mentioned in the said bill, but utterly disclaims any such estate or interest, without that that the said Nicholas Hancocke named in the said bill ever conveyed any part of the said manor to defendant, or that defendant is guilty of any deceit or conspiracy against him.

D. 1. a. b. c.
d. e.

Interrogatories on the part of Henry Dyneley, whereupon Raef Greneacres, Christopher Dyconson, Richard Greneacres, Nicholas Hancok, and Christopher Parker are to be examined.

10th February, 3 Edward VI. [1549].

1. John Wodde of Clytheroo [Clitheroe], husbandman, aged about 49, examined at Westminster, says that Nicholas Hancoke and Henry Dyneley came to him at Clyderoo [Clitheroe] and told him that he was named attorney in a deed made by the said Dyneley of all his lands and desired plaintiff to deliver possession.

D. 1. f.

2. The said Hancok declared that the said deed was to the use of himself and Richard Greneacres, and that as many of the tenants of the said Dyneley would attorn according to the said deed and take him for their lord, he would be bound to save the lands to the said Dyneley and his heirs.

3. The said Hancoke said that "hyt" was for the use of the said Henry Dyneley and his heirs.

4. Deponent delivered possession to the use of the said Dyneley and his heirs and for no other purpose. As read to deponent the deed was to the use of Hancoke and Ric. Greneacres and their heirs.

5. Neither Christopher Hancoke or Richard Greneacres or anybody else ever laboured to make deponent say anything but the truth, nor promised him any reward or ever threatened him to say the contrary.

Hugh Asshe of Bayly [Bailey] in the parish of Mytton [Milton], in the county of Lancaster, yeoman, aged about 45, says that he had not the custody of Henry Dyneley at London when he gave up his land and acknowledged a fine thereof to Richard Greneacres and Nicholas Hancoke, but deponent was in company with the said Dyneley at the house of Sir Thomas Holcroft his master, but they did not hold any communication.

D. 1. g.

Deponent brought the said Dyneley to Serjeant's Inn in London to acknowledge the fine, when he was "muffelyed w^t hys hatte bonde and coveryd w^t a cloke by the waye," at six o'clock in the afternoon of a summer's day, but what day plaintiff does not remember. He was so muffled up at the request of the said Hancoke in order not to be recognized by Raff Greneacres, who

would have "restyd" him. At the same time he acknowledged a fine of the said lands and tenements.

Does not know to what use the fine was levied, but Hancoke told deponent that he would spend 20 marks or £20 to save the lands to the said Dyneley and his heirs if he possibly could.

There were present at the said acknowledgment John Abradyll, John Sherborn, esq., ... Grymshawe, gent., deponent, and the said Ric. Hancoke, with divers others whom deponent cannot remember. Some of them were privy to the carriage of the said Dyneley.

Nobody desired deponent to keep the matter secret.

12th February, 3 Edward VI. [1549].

D. I. h.

Christopher Parker of Radam Park, in Bolland, in the county of York, gent., aged about 29, says that about the feast of the Annunciation of Our Lady, 37 Hen. VIII. [1546], Raff Greneacres came to deponent at Withgyll and desired him to ride to Preston with him concerning a statute marchant and other business.

As they were riding along together the said Raff desired deponent to make him a writing for a fee farm of Dyneley's lands, but deponent said he could not do this without counsel's advice, and advised him to consult Mr. Brown and other learned men who would be at Preston that day. Deponent made a draft of a deed, and after Mr. Brown's opinion "dyd engrosse hyt up yn parssement:" he also engrossed an obligation drawn up by Mr. Brown to the effect that the said Dyneley should make such further assurance of the fee farm of the lands to the said Greneacres and his heirs as should be devised by learned counsel.

Mr. Brown told the said Raff that no reversion of Dyneley's lands could pass by that fee farm without the attornment of the tenants, whereupon the said obligation was made for the further assurance of the said lands to the said Greneacres and his heirs.

Afterwards Raff took the opinion of Mr. Hassall, Mr. Bryckytt, and other learned men, who agreed with Mr. Brown.

Raff Greneacres then said that he would conclude a marriage with the said Dyneley, and desired deponent to make him an

obligation to the effect that he should have Henry Dyneley's son and heir in marriage for £40, or his daughter and heir, if he had no son, for 100 marks.

Deponent has heard that there was a communication as to a marriage between the said Greenacres and Dyneley at Brasewell, before Sir John Tempest and others, at another time at Sulley, and again at Clytheroo [Clitheroe]. After all the writings were sealed, Raff Greenacres told deponent when they were riding together to Preston, that there had been a communication of marriage between him and Dyneley, which was to the same effect as the former obligation made by deponent.

About six months later deponent met the said Greneacres between Sulley and Clyderoo [Clitheroe], who told him that he always meant to deal justly with the said Dyneley and to conclude a marriage, but Dyneley's friends would not agree but "brake with him for the value of xx^s."

23rd June, 3 Edward VI. [1549].

William Lyster of Gysborn [Gisburn] in Craune, in the county of York, yeoman, aged about 46, says that Christopher Lyster, esq, deceased, said certain things concerning the matter at variance between the said Dyneley and Greneacres and others.

D. 1. i.

On the Sunday after Twelfth Day, or the Sunday following last past, the said Christopher Lyster sent for deponent to come to his place called Myduphall, and in presence of Raff Dyneley asked him to take down in writing what Thomas Byllyngton said to him concerning the said matter. The said Christopher examined the said Byllyngton at the request of a friend as to the communications between Greneacres and Dyneley at Preston, in Aldernes [Amounderness] and other places at the commencement of their bargain. Billington answered that they referred to a marriage to be had between their children, and that Greneacres required Dyneley to be bound in an obligation for the performance thereof, and to make assurance of all his lands to the said children and their heirs to which he agreed.

Billington said that Nicholas Hancoke offered him 40s. to deny his sayings, but he refused it. Afterwards Christopher Lyster sent his servant to Sawley to ask Byllyngton to work for him, but he said he could not as he had a fee of Raff Greneacres.

The writing of the sayings of the said Christopher was delivered to Raff Dyneley to give to Thomas Catrall of Lyttyll Mytton, esq.

28th June, 3 Edward VI. [1549].

D. i. j. Christopher Dyconson of Barnoldswyke, husbandman, aged about 68, says that Thomas Billington told him that Dyneley and Greneacres were agreed about covenants of marriage to be had between their children, and that the lands of the said Dyneley were to be made sure to the children and their heirs.

Rowlande Whalley of Medoppe [Midhope], in the county of York, yeoman, aged about 26, heard Christopher Lyster, then his master, say certain things concerning the matter in variance.

About a "fourtnyght before Passion wyke" last, the said Christopher lying ill in his bed at his own place, in the presence of one of his daughters or one of the maid servants, asked deponent to take down what Thomas Billington had said to him concerning the matter.

[The same as the deposition of William Lyster.]

9th August, 2 Edward VI. [1548].

D. i. l. Richard Greneacres of Worston, in the county of Lancaster, gent., aged about 40, says that Raff Greneacres, his brother, told him that he might have the manor of Downham and the lands in Clythero [Clitheroe] in fee farm of Henry Dyneley for £20 by the year. The said Raff spoke to Christopher Parker at Preston, and gave him instructions to draw up the writing on parchment.

Dyneley showed deponent the counterpane of the feoffment indented and sealed, concerning the said manor and lands.

Deponent and Ric. Hancok knowing of a feoffment made by Dyneley of the premises to Raff Greneacres and his heirs, persuaded Dyneley to make a feoffment thereof to them and their

heirs, by reason whereof they entered into the same and disseised the said Raff, who afterwards re-entered the premises according to his first right.

The said Raff never had any cattle in the premises to be turned out by the said Dyneley.

The said Dyneley confessed to deponent that he had £10 of Raff for the fee farm.

Dyneley sold the premises to deponent and Hancock and their heirs, and as the greater part of them were in lease, if deponent and Hancock could have got the tenants to attorn to them according to their feoffment before they attorned to the said Raff, his (Raff's) estate would have been utterly void.

The deed of feoffment was sealed in the presence of John Woddroff, Richard Woddrof, Sir John Asden, priest, and Richard Atkynson. About 20 marks were paid for the manor and lands to Dyneley in part payment. They have taken the profits of the premises, but exactly how much deponent cannot remember.

They did not put out the said Raff, but merely disseised him by virtue of the possession taken of the sale.

Deponent, Dyneley and Hancock joined in the bargain, sale, and recovery of the manor of Downham to the use of Raff Greneacres and his heirs for ever, in consideration of his former bargain of fee farm and for certain sums of money which Raff alleged that he had paid to Dyneley. The said assurance was made before Sir John Hynde, Knight, and others at London.

D. 1. m.

Dyneley and Greneacres joined in the bargain, sale, and fine of the lands in Cyltheroo to deponent and Hancock and their heirs for ever to their use, which assurance was made in London, 17th November, 38 Henry VIII. [1546].

The yearly rent of £20 reserved to the said Dyneley and his heirs upon the fee farm is now extinct upon the said later bargain.

The said Dyneley was arrested at the "suet" of Raff Greneacres, in Chester, for the performance of an obligation.

There were two fines acknowledged at different times by the said Dyneley, before Sir Edmond Molynaxe, Knight, the one for

the manor of Downham and lands in Clythero, and the other for the rent of the said premises, but they were never sued forth.

Deponent and Hancock paid about £38 for the premises and have spent £40 upon them in law expenses, &c.

12th August, 2 Edward VI. [1548].

D. I. n. o. p. Nicholas Hancock of Hygham [Higham], in the county of Lancaster, gent., aged about 50, says that communication was had between the said Dyneley and Raff Greneacres concerning a marriage between their children, first at Clythero [Clitheroe], in the presence of Thomas Cattrall, Wm. Banaster, Henry Colthurst, Ric. Greneacres, and deponent, about three years ago, and afterwards at Brassewell, before Sir John Tempeste and others, about Twelfth Day next after, but the parties could not agree.

Hearing that his "Neve" Dyneley had made a deed of fee farm to Raff Greneacres and his heirs, deponent asked him about it and was told that it was a deed of covenants of marriage between their children. The deed which is indented and in Latin was given to deponent and is still in his custody.

The said Dyneley came before the said Master Molynaxe at London, where he acknowledged the first fine, about five or six o'clock in the afternoon, without any "mofeler vysar [vizar] or any other wyse dysgysed."

14th August, 2 Edward VI. [1548].

D. I. q. Raff Greneacres of Salley, in the county of Lancaster, gent., aged about 35, says that the first communication between Dyneley and deponent as to a conveyance of the premises was at Salley, in the county of York, when Dyneley wanted to borrow money of deponent, and was complaining of the great unkindness shown to him by his wife and mother-in-law, whereupon deponent perceiving that Dyneley was likely to make away his lands, moved him to sell to witness the said manor of Downham and the lands in Clythero [Clitheroe], but he answered that he could not do so yet. Then deponent suggested that he might have the premises in fee farm

to him and his heirs, he paying yearly for the same £20, and £10 in ready money, to which Dyneley agreed, but desired deponent to keep it secret.

Deponent then caused a deed of fee farm to be made by Christopher Parker at Preston, which was then openly declared to John Estgate, priest, John Walker, and Thomas Byllyngton.

Deponent knows how Hancock and Ric. Greneacres persuaded Dyneley to make a feoffment of the premises to them, to the intent to get the tenants to attorn to them and to defeat deponent of his fee farm. D. 1. r.

After the fee farm of the premises made to deponent, Dyneley unlawfully entered the same and delivered livery and seisin to Hancock and Greneacres, to the use of them and their heirs, and told the tenants to pay rent to them instead of to deponent. Shortly afterwards witness re-entered the manor by his first title, and not by writ or agreement, and took the rent thereof.

Deponent paid Dyneley £10 for fee farm but no yearly rent.

Deponent is charged by the last assurance to pay to the said Greneacres and Hancock a yearly rent of about £11 during Dyneley's life.

Deponent has been obliged to spend about 400 marks in law expenses, &c.

Witness arrested Dyneley at Chester because he had forfeited an obligation of £200 to deponent, and kept him in prison until he found sureties for the amount. D. 1. t.

Commission dated 20th February, 3 Edward VI. [1549], directed to Sir William Peter, Knight. D. 1. w.

14th February, 3 Edward VI. [1549].

Christopher Parker of Radam Park in Bolland, in the county of York, says that the said Raff Greneacres desired him to be present at the sealing and delivery of the writings made by deponent (see before) between the parties, but deponent answered that his horse was ready and he must ride to the Sessions at Lancaster with Mr. Leyland, besides which he did not wish to be present in case Mr. Dyneley's friends should be discontented with him. D. 1. y.

D. 1. z.
a, a.

John Estgate of Bylleryca [Billericay], in the county of Essex, clerk, aged 35, examined at Bylleryca 29th March, 3 Edward VI. [1549], says that he was born at Blackborne, about four or five miles from Whalley, in the county of Lancaster, and was afterwards brought up in Whalley for fourteen or fifteen years. Often saw the manor of Downeham, standing in the parish of Whalley, of the yearly value of about £20. Deponent knew the owner thereof—one Henry Dyneley, gent.—and also his father named William Dyneley, very well indeed.

Knows that Henry Dyneley made a feoffment in fee farm of the said manor to the said Grennaces and his heirs for ever, at the ensealing whereof deponent, Thomas Byllington, and John Walker were present at Preston, in Andernesse [Amounderness], and subscribed their names. The said Dyneley then gave his authority to John Walker and John Mychecocke, clerk, to enter and deliver possession of the manor to Grennaces and his heirs, and confessed that he had received £10 from Grennaces. This was on the day of the Assumption of Our Lady three years ago, being the fair day there. After the sealing both parties delivered their indentures to deponent to keep until they could go to the late Monastery of Salley.

10th August, 2 Edward VI. [1548].

On behalf of Ralph Greneacres.

D. 1. b. b.

John Walker of Bowton, in the county of York, husbandman, aged about 54, says that there was livery and seisin made of the said premises by Sir Mylchecok, priest, to deponent, in the presence of Sir Thurstan Duckeworthe, priest, John Herde, Christopher Mylles, John Acchenson, and many more.

Deponent went to Salley, where the said Raff Greneacres lived, there being also present Dyneley, Sir John Mychecok, John Estgate, Thomas Byllington and deponent, and then the said Dyneley desired Sir John to keep his deed and to witness it.

D. 1. c. c.

Articles to be administered to John Bradell, gent., and John Aspeden, chaplain, on behalf of Ric. Greneacres and Nicholas Hancock, defendants.

17th February, 3 Edward VI. [1549].

John Aspeden of Brounley [Burnley], in the county of Lancaster, clerk, aged about 42, says that he wrote a pair of indentures in Latin, between the said Dyneley of the one part and Nicholas Hancock and Ric. Greneacres of the other, to the effect that the former granted all the premises to the latter and their heirs for ever: which indentures were read in English by deponent to the said Dyneley and sealed in the presence of John Woddroff, senior, Richard Atkynson, and others, and livery and seisin delivered in the presence of James Herde, Alexander Martyn, and others. D. i. d. d.

Interrogatories to be administered on behalf of Rauf Greneacres, plaintiff, to Thomas Cattrall, defendant, concerning certain pastures called Whyteladale, Brenand, Lees, Swynehurst, Wardeleygh, Bradale, Highokehyll, Newhey, Stodehey, and the fence within the forest of Boland [Bowland], in the county of Lancaster, and the occupation and taking of profits thereof. D. i. e. e.

5th June, 2 Edward VI. [1548].

Thomas Cattrall of Lytyll Mytton, esq., aged about 35, says that Thomas Parker, servant to Sir Arthur Darcy, Knight, came to deponent in his master's name, and said that his master had let the "harbage" of Boland [Bowland] to Ric. Greneakers for that year. D. i. f. f.

10th August, 2 Edward VI. [1548].

On behalf of Ralph Greneacres.

Thurstan Duckeworthe of Downham, chaplain, aged about 38, heard there was an agreement between Dyneley and Greneakres, that the latter should have the manor of Downham and lands in Clythero to him and his heirs, paying yearly for the same £20. D. i. g. g.

Nic. Hancock, deponent's uncle, confessed to him that he had spoken to his kinsman Henry Dyneley in the house of Symon Ivesond, and said to him "thowe hast made a dede of feoffement yn ffee fferme of all the man^r of Downham and thy lands in Clythero to Raff Greneakres and hys heyre: thou hast ov^r don thy selff, thy wyff, and all thy chyl dren;" whereunto the said Dyneley answered "yf hyt were to do agen I wolde surely do hyt."

The said premises are of the yearly value of £20, but there is going out of them 40s. to the King, £4 to the wife of John Alen for the term of her life, 26s. 8d. to Nicholas Hancok for certain years yet to come, and 20s. to Gyles Parker for certain years yet to come.

9th August, 2 Edward VI. [1548].

D. i. h. h. Nicholas Haworthe of Blackburn, in the county of Lancaster, clothier, aged about 38, says that the said Henry Dyneley confessed before deponent and Christopher Hargreves, in the house of William Smythe of the city of Chester, that he had made the said deed of feoffment and showed it to them then and there.

10th August, 2 Edward V. [1548].

D. i. i. i. Christopher Hargreves of Gargrave, in the county of York, yeoman, aged about 44, says that Dyneley confessed that he would never have denied his said deed, "anⁿ hys vnkell Nycholas Hancok had not ben."

9th August, 2 Edward VI. [1548].

D. i. j. j. John Mychekocke of Clytherowe [Clitheroe], in the county of Lancaster, chaplain, aged about 47, says there was a deed made of the said bargain the 13th August, 37 Henry VIII. [1545].

The said Henry Dyneley delivered one part of a writing of a deed of feoffment made to Raff Greneaker and his heirs, of the said premises to deponent, safely to keep to his use, saying "I pray you kype thys dede save, ffor I have nevⁿ a Coffer to kype hem yn, and I pray you kype hyt secret that my ffrynde maye not knowe of hyt a whyle."

10th August, 2 Edward VI. [1548].

D. i. k. k. Thomas Byllyngton of Whalley, in the county of Lancaster, tailor, aged about 54, deposes as above.

D. i. l. l. This bill of record made 18th August, 37 Henry VIII., witnesses that I, Sir John Michkock, curate of Cletherow [Clitheroe], have received of Henry Dyneley of Downham, gent., one piece of evidence indented and made between the said Dyneley and Raffe Greneacres of the other, dated 18th August, in the year above written, to be kept in safe custody to the profit of the said Henry, to be delivered up to him at his request.

John Michkock, priest.

DECREES AND ORDERS, EDWARD VI., BK. 8, FO. 257.

HILARY TERM. 3 AND 4 EDWARD VI. [1550].

"In the matter in varyance betwene Henry Dyneley, late of Downehall, plaintiff, and Rauf Greneacres, defendant, concerninge the right, title and interest of and in the manor of Downeham Hall, with the appurtenances in Downeham, in the parishe of Whalley."

Inter
Greneacres
et Dyneley.

"Forasmuch as upon the examynaçon and often heringe of the said matter it apperyd That the said Dyneley had noe color of Interesse, right nor title to the said manor, And that Rauf Greneacres was verie owner of the manor in fee symple to hym and his heires, as by good and substancyall evidences and coveyance shewed and proved in this court it dyd more pleyndly appere, And for soe muche as the said Dyneley, at dyu^pse deies appoynted for the heringe of the matter, hathe made defaulte and wold not call upon this courte to have the matter hard, and the said Greneacres hath incissantlie desired this courte to have the matter debatyd, and brought his counsell redye furnished at tymes appoynted to his great costes and charges, at which dayes the said Dyneley although warned hath absented himself. And thereupon this court the last term, in the absence of the said Dyneley, and in the presence of defendant harde the matter and perused the evidences and writings of defendant, Whereupon it is now ordered That Rauf Greneacres shal be dismissed out of this Court never to be called into this court again concerninge the premises, but the said Dyneley to take his remedy only at the common law. And it is further ordered That forasmuch as the said Greneacres, by meanes of the heynous and great slanders laid to hym openly in this court by the said Dyneley, tendinge to his utter defamation, which had bynne utterly to his undowinge yf they had bynne proved trewe as they be not. And for that by the occasion thereof the said Greneacres hath bynne by the order of this court compellyd to lye here and not to departe this town, but to attende here as well in the terms as out till his trial, declaration, and pairgation had made and proved which hath been here longe

dependinge to the outragouse costes, losses, and charges of the said Greneacres, amountinge to the some of £100 and above, besides his charges, losses and damages in that behalf sustained. Nevertheless the Chancellór, considering the poverty of the said Dyneley, has by the assent of the said Greneacres ordered that the said Dyneley shall pay to the said Greneacres for his costes, and for the slaunder and defamation, but onely the some of £100 to be payed as followeth, That is to say, 100 markes at this side the feast of Easter next coming. And if the said Dyneley shall hereafter commence any accion against the said Greneacres or any of the fermors of the premises by reason of anye former tyle, That then the said Dyneley shall paye to the said Greneacres £93 6s. 8d., residewe of the said £100. And where the said Greneacres was in possession of the said manor and premises at the tyme of the said bill exhibited against hym, upon whose possession the said Dyneley wrongfully entered into the said capital messuage and demeane landys of the said manor dependinge the sute agenst hym, whereupon the said Greneacres required this court that he might be restored to the possession thereof. Yet that notwithstanding the said Greneacres, for certeyne considerations expressed by a decree made by the said Chancellor in the terme of Holie Trynitie last, was contented to suffer the said Dyneley to have the occupation of the premises untill the feast of Michaelmas last past, the said Dyneley payinge the accostomed rent as before that time had bynne paid by Isabell Tempeste, wydowe, and thereupon the possession of the said premises was decreed to the said Dyneley accordinglye, by color of which said decree the said Dyneley dothe yet kepe the possession thereof, which possession appereth now to this courte to be onlie by wrong and favor of this courte and was obteyned by the said Dyneley hanging this sute, which was both contrarye to the ordre heretofore used in thys courte and also contrarye to the lawe. Therefore it is ordered that the said Dyneley shall forthwith avoyde from the possession of the said capital messuage and demeyne lands. And that he shall suffer the said Greneacres from hensforthe quyetlye to injoye the same without lett or

interupcon untill suche tyme as he shall recover the same by the course of the comon lawe. And further, the said Dyneley, within 40 dayes nexte cominge, shall paye to the said Greneacres the rent of the premises yet beinge behinde accordinge to the rate of the rent which heretofore hathe bynne usyd to be paid by the said Isabell Tempeste for the said premises, according as by the said former decree in that behalf made was lymitted and appointed."

DECREE TRINITY TERM. 4 EDWARD VI. [1550].

BK. 8, FO. 272.

"For the matter in vyanace betwene Rauf Greneacre, partie plaintiff, and Isabell Tempeste, wydowe, and Henrie Dyneley, partie defendant, conserninge sertayne arrerages of rent demaundyd by the said Greneacres of the said Isabella Tempest and Dyneley, dewe unto hym for the capitall mesuage and demesne landes of the manor of Downehame, in the county of Lancaster. And for so muche as it apperith as well by good evidence and writings shewyd by the said Greneacres as also by the confessyon of the said Isabell and Henrye in their answers and examynacons that the said Isabell is indebytd to the said Rauf for one yere-and-a-half rent due for the said messuage and demesne landes the sum of £40, and also that the said Henrye is likewise indebted to the said Rauf the some of £5 for th' occupacon of the said premises by the space of one half-year. It is therefore now ordered: That the said Isabell, for her parte, shall content and paye to the said Rauf the said some of £40 before the feaste of all saynctes next coming. And likewise that the said Dyneley shall pay to the said Rauf the said sum of £5 before the same feaste without any further deley. If the said Isabell and Henrye make default then they shall paye to the said Greneacres all his costes and expenses in the said sute susteynyd besides the summes before rehersyd."

18th May.
Inter
Greneacre
et Dyneley
et Isabellā
Tempest.

WILLIAM RAWLINSON AND KATHERINE HIS WIFE, *versus*
 WILLIAM SANDS AND CHRISTOPHER SANDS, *re*
 POSSESSION OF THREE IRON SMITHIES
 IN FURNESS FELLS.

To the Right Hon. Sir William Paget, Knight.

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 [Calendar 5.]
 R. 8.
 3 Edward VI.
 [1549-50.]

WILLIAM Rawlynson and Katherine his wife, late the wife of John Sawrey, deceased, complain that where King Henry VIII. was seised in his demesne as of fee, as in the right of his Duchy of Lancaster, of three iron "Smythes," in Furness Fells, in the county of Lancaster, and so seised, by indenture dated 15th November, in the 29th year of his reign [1537], granted the same to William Sandes and to the said John Sawrey, to hold from the feast of St. Michael the Archangel then last past, for 21 years then next following, yielding therefore to his Majesty a certain rent, by force whereof the said William and John were possessed of the said "Smythes," and so seised, they by agreement divided the said three "Smythes" as follows: to wit, the said William Sandes should hold the Smythy called Constey Smithy, the said John Sawrey should hold the Smithy called Forse Smythye, and the said John Sawrey should hold the third smithy for one year after the said agreement; at the end of that term, the said William Sandes should hold the same for one year, and then afterwards they should take it in turn to hold the said smithy for one year during the said term. Afterwards the said John Sawrey died intestate, after whose death the administration of all his goods was committed to the said Katherine, by force whereof she was possessed of the said Forse smithy and of the said third smithy according to the agreement. So seised, she married William Rawlynson and they were jointly seised thereof in right of the said Katherine. After the death of William Sandes, William Sandes and Christopher Sandes, his sons, wrongfully entered into all the smithies and have kept the possession thereof from plaintiffs and will not suffer them to enjoy the same.

Plaintiffs pray that Letters of Privy Seal may be directed to the said William and Christopher Sandes, commanding them to appear and make answer.

“Termino Pasche A° RR E. vj^{ti} Tercio [1549].

Hereupon a Privy Seal to the said William and Christopher Sandes to answer, viij Trin. prox.”

EDWARD, DUKE OF SOMERSET *versus* RICHARD BANESTER AND
JOHN TASKER, OF WALTON-LE-DALE, *re* REFUSAL
TO SERVE IN THE WARS.

*Information exhibited to Sir William Paget, Knight,
Chancellor of the Duchy of Lancaster, by
Sir Thomas Langton, Knight.*

WHERE the most noble Prince Edward Duke of Somerset, Governor of the King's most royal person and Protector of all his realms, dominions, and subjects, and others of his Privy Council, directed their Letters dated 7th February last [1549], to the said Sir Thomas Langton, Marmaduke Tunstall, and Perys Lee, Knights, willing them to furnish and set forth amongst them sixty men of their tenants and others within their rooms and offices, as well to serve as “pyoners” within the realm of Scotland, as also to “playe the souldyerer” there in time of need: accordingly, the said Sir Thomas appointed Richard Banester and John Tasker, of Walton-in-the-Dale, in the county of Lancaster, husbandmen, being within his rule and office, to serve the King in the said purpose, and commanded them in his master's name to prepare themselves, but they obstinately and disobediently refused so to do, and when Sir Thomas appointed thirteen persons, inhabitants of the township of Walton-in-the-dale, to serve as is aforesaid, the said Richard Banester and John Tasker refused to be contributory with the rest of the inhabitants of the township towards the payment of such sums of money as they were assessed to pay for the setting forth of the said thirteen persons, to the great cost and charge

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[1549-50.]

of the rest, which, if it should escape unpunished might hereafter encourage other light persons to offend in like manner.

Prays that a writ of Privy Seal may be directed to the said Richard Banester and John Tasker, commanding them to appear and make answer.

“Termino Pasche A^o R^{re} E. vj^{ti} Tercio [1549].

Hereupon a Privy Seal to Richard Banester and Edmund Tasker.”

THE KING ON BEHALF OF JOHN PRESTON, FARMER OF DEMESNE
LAND, &C., OF THE MONASTERY OF FURNESS, *versus*
JOHN ARSCOT AND OTHERS, *re* PULLING DOWN
AND RE-BUILDING HOUSES, &C.,
AT FURNESS.

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[Calendar 7.]
R. 4.

3 Edward VI.
[1549-50.]

KING Edward VI. to John Arscot and Thomas Carns, Esqrs., William Sandes and Walter Curwen, gents., and William Layton and Nicholas Thornburghe.

Where by credible report and relation made to the Chancellor of the Duchy of Lancaster, on behalf of John Preston, Esq., farmer of the site, house, and demesne lands of the late Monastery of Furness, it appears that the hall and other houses there are very ruinous and in great decay, the repairs whereof heretofore have been and hereafter are likely to be very costly, because the houses and buildings there are too large to be maintained for the mansion house of the farmer thereof: and whereas the said John Preston desiring to have a new hall, parlor, chambers, and other “houses of offices” built there mete and convenient for a farmer there to inhabit, and offered to bear a proportion of the charges towards the building of the same, and after the building thereof to discharge us from the repairs thereof during his term yet to come in the premises: We have by the advice of Our said Chancellor, agreed with the said John Preston, as follows: That he shall have of Us 100 marks towards the building of a substantial, apt, and convenient house with hall, parlor, chambers, and other houses of offices mete for a gentleman

of £100 lands to dwell in, upon the building whereof the said John has promised to bestow 100 marks of his own charges, and when built to keep the same in repair: Wherefore Our will and pleasure is that the said John shall pull down as many of the old houses as shall be thought necessary, and shall take as much timber, stone, and other things from the old houses, as shall serve his purpose for rebuilding. Further, We will that all the timber and stone which shall not be used for the new building shall be put in safe custody to Our use. Always "forseyn" that the said John Preston do not pull down any of Our barns and stables, which shall be preserved for the use of Our said farmer there. And further We will that William Sandes do by warrant hereof pay to the said John Preston, the said 100 marks out of the revenues of Our possessions of the said late Monastery of Furnes being in your hands. "ffaylle you not to accomplysse the premyssez as you tendre our pleasure."

Given at Westminster, 12th February, 3 Edward VI., [1549].

Withm Paget.

John Carrll.

NICHOLAS BUTLER *versus* WILLIAM LANGTON AND THOMAS
CUREDEN, EXECUTORS OF ELIZABETH CLAYTON, *re* CLAIM
TO GOODS UNADMINISTERED IN HOUGHWYCKE
[HOWICK], AND CUREDON [CUERDEN].

To the Right Hon. Sir William Paget, Knight.

N YCOLAS Butler, of Rawclif [Rawcliffe], in the county of Lancaster, Esq., complains that where Elizabeth Clayton, widow, now deceased, plaintiff's mother-in-law, by her last will constituted William Langton, of Houghwycke [Howick], in the said county, and Thomas Curedon, of Curedon [Cuerden], in the said county, gent., her executors, to fulfil her said will, and amongst other things bequeathed to plaintiff, £6 13s. 4d. Now so it is that the said William Langton and Thomas Curedone have administered the goods and chattels of the said Elizabeth,

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[Calendar 3.]
B. 23.
4 Edward VI.
[1550-51.]

and have sufficient goods in their hands to perform the said bequest, and have paid to plaintiff one-half of the said legacy, to wit, £3 6s. 8d., but they absolutely refuse to pay the rest although frequently asked so to do, to the damage and hurt of plaintiff of 40s. at the least.

As plaintiff cannot get any remedy at the common law, he prays that Letters of Privy Seal may be directed to the said William Langton and Thomas Curedon, commanding them to appear and answer.

“Termino Michis anno $\bar{r}r$ E. vj^{ti} quarto [1550].

Hereupon a Privy Seal against William Langton and Thomas Cureden.”

RICHARD BRERETON *versus* ROGER BORDMAN AND OTHERS,
re TRESPASS AND DESTRUCTION OF A TIMBER FRAME
FOR BUILDING AT WORSLEY.

To the Right Hon. Sir William Pagett, Knight.

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[Calendar 3.]
B. 26.
4 Edward VI.
[1550-51.]

“IN his moost humble wysse Complayninge shewythe unto your honorable Lordshippe,” Richard Brereton of Harnage, in the county of Salop, Knight, that whereas about the 14th day of February, in this present year of his Majesty’s reign [1550], was possessed as of his proper goods, of certain timber trees to the number of 20, and so seised at Worsley, in the county of Lancaster, cut and framed the same, intending therewith upon his own ground there to erect and build a house of one bay: Now so it is that (the said house being made ready for the setting up and rearing) one Roger Bordman, William Bordman, John Partinton, and Thomas Edge, being “moost lyght and mysruléd persons, with others of like misdemeanor to plaintiff unknown, on or about the 10th day of July last [1550], in the most unlawful manner came in the night to plaintiff’s said frame, and with bills, axes, saws, and other tools did hewe, cutt and sawe in pesez,” and then set it all on fire, to the “moost heynous and pernicious example of all suche noghtye dysposed persons, and to

said Vicarage, which were lately in plaintiff's possession, in the open breche and vyolatinge of dyvers good statutes and moost godly Actes in suche cases provyded."

Plaintiff prays that a writ of Privy Seal may be directed to the said Roger Bordman and others, commanding them to appear and answer.

"Termino Michis A° RR E. vjth quarto [1550].

Hereupon a Privy Seal to Roger Bordeman, William Bordman, John Partinton, and Thomas Edge, to answer vij^{as} HiH."

ANTHONY BROWN, CLERK, VICAR OF CROSTON, *versus* JOHN WEREDON, *re* POSSESSION OF VICARAGE, &C., AND DETENTION OF TITLE DEEDS OF CROSTON CHURCH.

To the Right Hon. Sir William Pagett, Knight.

ANTHONY Brown, of Southwell, in the county of Essex, gent., that where Thomas Bound, Clerk, Vicar of Croston, in the county of Lancaster, was seised in his demesne as of fee as in the right of his Church of Croston, of the vicarage of Croston, and of 10 messuages, 10 crofts or cottages, and 100 acres of land, meadow and pasture, belonging to the said vicarage, and so seised, about 10 years ago demised the premises to plaintiff for a term of years, some of which are yet to come, by virtue whereof plaintiff entered into the said premises, and was thereof possessed without interruption until now of late that John Weredon of Croston, of his "owen wrong and wythout judgement" has entered into 1 messuage, 1 orchard or garden platt, 2 yards or void places, 8 acres of land, 4 acres of pasture, and 2 acres of meadow, with appurtenances in Croston, parcel of the premises, and converts the issues and profits thereof to his own use, and wishes to compel plaintiff to take a certain yearly rent for the same in lieu of the same land, having no cause so to do except that certain writings and evidences, terriers, boundaries, and other books of declaration of the particulars and certainty of the premises belonging to the Vicar of the

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B. 34.
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[1550-51].

custody of his servants in those parts, and which have now come into the hands of the said John Weredon, and which he refuses to give up.

Because plaintiff is chargeable with the same, because they were in his possession by "vaylment," and cannot recover the same by the order of the common law, not knowing the number or dates of them, he prays that Letters of Privy Seal may be directed to the said John Weredon, commanding him to appear and answer.

"Termino Michis Anno RR E. vj^{ti} quarto [1550].

Hereupon a Privy Seal to John Weredon."

WILLIAM DRAPER *versus* JOHN RIGBIE, *re* CLAIM OF WAGES
AS A HIRED SERVANT, AND CHARGE OF ASSAULT
AND BATTERY AT DALTON.

To the Right Hon. Sir William Pagett, Knight.

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[Calendar 3.]
D. 7.
4 Edward VI.
[1550-51.]

WILLIAM Draper of Dalton, in the county of Lancaster, husbandman, complains that whereas he three years ago served John Rigbye of Dalton, as hired servant from year to year for two years, for which service he compounded with the said John Rigbye to have 40s. yearly for his wages, the which sums of money he cannot obtain, "being treu debte and dutye unto him" for his service, but which the said Rigbye refuses to pay.

Moreover the said John Rigbye and Robert his son, not being content, gathered together divers persons and lay in wait for plaintiff as he went to the parish Church on Palm Snnday last [1550], and fell upon him and so cruelly beat him that he was in jeopardy of his life.

Prays that a Letter of Privy Seal may be directed against the said John Rygbye and Robert his son, commanding them to appear and answer.

"Termino Pasche A° RR E. vj^{ti} quarto [1550].

Hereupon a Privy Seal to John Rigbie and Robert his son, to answer xv^{ne} Michis prox."

MARGRET TRAFFORDE, WIDOW, *versus* RALPH TRAFFORDE AND
JAMES BURDMAN *re* CLAIM TO OFFICE OF ULNAGER
IN MANCHESTER.

To the Right Hon. Sir William Pagett, Knight.

“SHEWYTH and enformeth” Margret Traforde, of ye garet
[Garret], in the county of Lancaster, widow, that whereas
in Michaelmas term last past [1551], Rauf Traforde of the Garet
aforesaid, gent., son of plaintiff, was bound by recognizances to
the King in the sum of £20, with this condition endorsed
thereupon, that if the said Rauf at all times following was of
good bearing and behaviour and kept the peace towards plaintiff
and all her tenants, servants, and family, then the said recog-
nizances should be void: Now so it is that since that time,
the said Rauf, about the 22nd day of December last [1551],
at Manchester, in the said county, with “verry cruell and terryble
wordes” threatened to beat Thomas Wryght, plaintiff’s servant,
plaintiff being present and in great fear advised the said Rauf
to remember himself, but he in a great rage answered with
these vile words, that is to say, he would not be counselled
by any such “vyle drabbes,” whereupon plaintiff and her servant
being terrified were glad to depart. The said Rauf did not
only so “ungodly” behave himself on that occasion, but has
also at divers times since procured sundry persons to “queryll
and brawle,” with plaintiff’s servants and kinsfolk, by reason
whereof much dissension has lately arisen in the parts where
she dwells.

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[Calendar 8.]
T. 4.
5 Edward VI.
[1551-52.]

And whereas also King Henry VIII., by Letters Patent, de-
mised the office of “vlnuger” and sealing of all manner of
cloth within the said county of Lancaster, to John Burn, gent.,
for certain years yet enduring, he paying for the same a certain
yearly rent: and whereas the said John Burn, being so seised,
granted his estate and interest in the said office to William
Traforde, who being thereof possessed by his will granted the
said office and his estate therein to plaintiff, whom he appointed

executrix. Since the death of the said William, plaintiff has enjoyed the said office until now of late, when Jamys Burdman, of Manchester, in the said county, yeoman, by the unlawful commandment and abetment of the said Rauf Traforde, without any authority, forged a seal for sealing the cloths in the town of Manchester, and having the said seal in his hands about the 20th day of May last [1550], accompanied by four riotous persons, came to the place where the said cloths were lying and riotously disturbed plaintiff's servants, who were there to seal the same, and then and there sealed the said cloths with the said forged seal and took all the profits to his own use, and has ever since used the office of ulnager, and has sealed many cloths not only in Manchester, but in divers other places in the said county, so that plaintiff is unable to pay to the King the yearly rent reserved upon the said ulnage.

And whereas plaintiff has before this time had a Privy Seal out of this court, and an attachment upon the said Privy Seal directed to the said James, to make answer to the things objected against him, yet the said James in contempt of this court has always departed without licence or making answer, therefore plaintiff prays that Letters of Privy Seal may be directed to the said Rauf Traforde and James Burdman, commanding them personally to appear and make answer.

Termino Hillary A° RR E. vj^{ti} quinto [1551].

Hereupon a Privy Seal to Rauf Trayford and James Bordman.

T. 4. b.

The answer of Jamys Burdeman.

Defendant says that plaintiff has not had any certain or sufficient estate or interest to the ulnage and sealing of cloth conveyed to her by any conveyance whereunto the defendants may have any traverse.

DECREES AND ORDERS. EDWARD VI. VOL. 8, Fo. 339.

Inter
Margaretam
Trayford
plaintiff et
Radm.
Traiford,
defendant.

Whereas there are divers matters in variance depending in the Duchy Chamber at Westminster between Margaret Traiford of the Garrett, in the county of Lancaster, widow, and Rauf Trayford, son of the said Margaret, for the appeasing whereof the said

parties, by the mediation of their friends and by their own consent, have agreed to perform all things ordered by the Chancellor, which are as follows : that all suits now depending between the said parties shall cease, and that the said Rauf from henceforth shall behave in all things gently, quietly, and reverently towards the said Margaret his mother, and shall not molest her in any way. Also the said Margaret shall behave gently towards the said Rauf, not vexing him at all. The said Margaret, her tenants and farmers, shall from henceforth quietly hold and enjoy all such lands, tenements, rents and hereditaments in the counties of Lancaster and York as are assured to her for her jointure and dower of the inheritance of the said Rauf during her natural life without interruption from the said Rauf. And the said Rauf, in consideration of all the arrearages of rents, debts, and sums of money wherein he is indebted to the said Margaret, by reason of any money borrowed by him of her or for any of her goods taken by him, shall pay to her £12, at the rate of £4 per annum, and that in consideration thereof she shall not demand anything more of him. Whenever and as often as the said Rauf shall be called upon to serve the King in his wars, in his own person or under any person, that then the said Rauf shall have the service of all the tenants and farmers of the said Margaret in such manner as has been accustomed, without lett or interruption of the said Margaret.

RICHARD ASPEDEN, MARGARET HIS WIFE, ONE OF THE DAUGHTERS
OF NICHOLAS TALBOT, DECEASED, AND OTHERS, *versus* SIR
RICHARD SHERBURNE, KNIGHT, AND ANNE HIS WIFE,
ONE OF THE EXECUTORS OF NICHOLAS TAYLOR,
re TITLE TO GOODS AND CHATTELS OF DECEASED.

*To the Right Honorable Sir William Paget, Knight of the most
honorable ordre of the Garter, Comptroller of the Kinges
Magesyes Howsehold, and Chauncelor of the
Duchie of Lancastre.*

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[Calendar 5.]
A. I.
4 Edward VI.
[1550-51.]

ROBERT Aspeden and Margaret his wife, one of the daughters
of Nicholas Talbot, late of Whylpshyre [Wilpshire], in the
county of Lancaster, deceased, and Bryget Talbot, another of the
daughters of the said Nicholas, complain that where there is a
custom in the said county that children not being heirs to their
father, ought after his death to have their reasonable parts of
his goods, to wit, if deceased have a wife and children, then the
goods should be divided into three parts, whereof the wife shall
have one, the executors another, and the children (the heir ex-
cepted) the third: if there be no wife, then the children to have
two parts: Now so it is, the said Nicholas died at Whylpshyre
[Wilpshire] 1 Edward VI. [1547], leaving a wife, the two daughters
above mentioned, and George Talbot his son and heir, and having
goods to the value of £80 and more, which came to the hands
of Anne, late the wife of one of the executors of the said Nicholas,
now the wife of Richard Sherburne, gent., and into the hands of
John Singleton and George Talbot the other executors, who still
keep the same and refuse to give plaintiffs their shares although
often requested by them so to do.

As the executors are of "kynred and alliance" to the greater
part of the gentlemen and Jurors of the county, plaintiffs would
be unable to secure an indifferent trial, wherefore they pray that
a Privy Seal may be directed to Richard Sherburne and Anne
his wife, John Singleton and George Talbot, commanding them
personally to appear to answer the premises.

EASTER TERM. 3 EDWARD VI. [1549].

Hereupon a privy Seal to the said Richard Sherburne and others to appear in the Octaves of Trinity next.

The answer of Ric. Sherburne and Anne his wife, John Syngleton and George Talbot. A. I. a.

Defendants say that the said Margaret, one of the daughters of the said Nicholas, was advanced and promoted by him upon her marriage with the said Robert Aspeden, and therefore cannot claim any part of her father's goods. The said Nicholas by his will bequeathed all his goods and chattels to Anne his wife, and George his son and heir, so his children cannot claim any share in them. The said Robert Aspden and Margaret claim all the lands, tenements, and hereditaments in the counties of Lancaster and York in right of the said Margaret as heir in tail to the said Nicholas Talbot, and have entered into the same: which premises are of the clear yearly value of £10 and more, so the said Margaret cannot claim any of her father's goods.

The said Bridget Talbot, another daughter of the said Nicholas, is under the age of three years, and is in the custody of Anne her mother by the wish of her friends, who made this arrangement before the marriage of the said Anne with Richard Sherburne. The said Anne stands charged with the portion of the said Bridget.

The said George Talbot, one of the defendants, is only a little over the age of four years, and never administered the goods of his father.

John Syngleton did not administer the goods of the said Nicholas, beyond paying the ordinary fees for the probation of the said will.

All the goods of the said Nicholas came into the hands of the said Anne except those that the said Robert and Margaret and other evil disposed persons, "being of confederacy" with them, "Imbesyled and toke."

A. 1. b. The replication of Robert Aspeden and Margaret his wife.

Plaintiffs deny that Margaret was advanced in marriage by the said Nicholas or that the said Robert received anything with her. It was quite lawful for plaintiffs to enter into the said premises.

A. 1. d. Commission dated 11th May, 4 Edward VI. [1550], directed to Sir Thomas Langton, knight, Gilbert Culchithe, William Kyrkeby, and Richard Asheton, esquires.

A. 1. f. Depositions taken at Preston in Amounderness, in the county of Lancaster, 18th April, 4 Edward VI. [1550].

On behalf
of plaintiffs.

1. Edward Whalley of Blakeburne, husbandman, aged 70, tenant to Robert Barton, esq., says that all children, except the heirs, ought to have their child's part of goods after their father's death. Deponent has known this to be the custom in the county for 60 years.

2. If a man died leaving a wife and children his goods ought to be divided into three parts, one for the wife, another for the children, and the third for the executor.

3. Deponent never heard that a man on his death-bed could by his will bequeath all his goods to his wife or any other person away from his children.

4. If a child be married during the lifetime of her father and have no marriage portion, then she is entitled to her full child's part.

5. Has never heard that the wedding apparel given to a child by her father upon her marriage was considered part of her child's part, but thinks that she always had her full portion over and above the said apparel.

William Clayton of Little Harwood, in the county of Lancaster, gent., aged 70, says that he had no marriage goods with his wife because he married her without her father's consent, but he received his part of her father's goods at his death at the hands of the Executors, according to the custom of the county.

Richard Radcliffe of Balderston, in the county of Lancaster, husbandman, aged 79, tenant to the Earl of Derby, and William

Shorrock of Eccleshill, in the county of Lancaster, husbandman, aged 60, tenant to Gilbert Holden, gent., depose as above.

Richard Warde of Mellor, in the county of Lancaster, husbandman, aged about 63, tenant to Sir John Sotheworthe, Knight, says that he was one of the "prayers" of the goods and chattels of the said Nicholas Talbot, which amounted to £58 6s. 8d. Deponent, Lawrence Heydock, Lawrence Sotheworth, and Robert Forest were sworn to "praise" the same by the commandment of the official or ordinary.

Robert Forest of Samlesburie [Samlesbury], husbandman, aged about 68, tenant to the Earl of Derby, and Lawrence Heydock of Osbaldeston, in the county of Lancaster, yeoman, aged about 50, tenant and servant to Sir John Sotheworthe, Knight, depose as above.

DECREES AND ORDERS, EDWARD VI., BK. 8, FO. 338.

MICHAELMAS TERM. 5 EDWARD VI. [1551].

In the matter in variance depending between Robert Aspeden, partie plaintiff, and Sir Richard Shirburne, Knighte, partie defendant, concerning the right, title, and interest of certain lands and tenements now in variance between the parties. "Forasmuch as upon the hearing and debating of the clayme and interest of bothe the parties in Easter terme last past, the matter appered defewse to this corte, to be ordered and semed to rest best in the knowledge of the countrey where the londes lieth to whome it should of right apperteigne, And therefore mooste mete to be tried at the cōmon lawe, And for that also that the said complainant of all this present terme of sainte michaell hathe not by himself or by anie other for him, or in his name p^sued and folowed his said sute against the said defendant. Itte is therefore the last daie of this presente terme ordered by the said Chauncellor and Councell that the said defendant shalbe clerely dismissed of the said sute oute of this courte, And the matter to be remitted to the cōmon lawe."

Inter
Robert
Aspeden
plaintiff et
Richard
Shirburn
alias
defendant.

Fo. 439 B.

HILARY TERM. 6 AND 7 EDWARD VI. [1553].

Inter
Robert
Aspedyne
et *alias*
plaintiff et
Rycherd
Sherburne
et *alias*
defendant.

"In the matter in variance bytwyne Robert Aspeden and Margaret his wyffe, partye playntyffes, and Rycherd Sherbourne and Ane his wyffe, executryx of the last wyll of Nycholas Talbot, and late wyffe to the same Nycholas, decessed, partye defendant. Forasmyche as the matter hathe bene diu⁹se tymes herd and debated in this courte, Yt is by assente of the partyes nowe decreed and ordered that the said Sherbourne shall paye vnto the said Aspeden and Margaret his wyffe the some of x^{li} at suche dayes and tymes as hereaft^r folowe in full satisfac^on and paymēt aswell of all costes and charges in that behalf susteyned as of all suche childes parte off goodes and Cattells as the said Aspden and Margaret his wyffe in the right of the said Margaret shoulde have of the goodes of the said Nicholas. That ys to weyt at the feast of the Assumption of Our Ladye next cōmyge, or within xx dayes next after the said feaste the some of v^{li} and at the feast of the natyvitie of Our Lorde then next ensuyng other v^{li} provided alwayes that yf the heires or executors of Ewan Browne, gent., decessed, do recouer the some of xl^{li} justly and trewly without any fraud agaynst the execu^r of the said Nycholas by reason of an oblyga^on wherein the said Nycholas was bounden by the said Evan wythe condycon indorset for the performans of certayne covenantes comprysed in certayne Indentors made betwyne the said Evan of the one partye and the said Nycholas of the other partye, the date of whyche oblyga^on is the laste day of octobre in the xxxvjth yere of the raynge of our late sou⁹aynge Lorde King Henry th^r eyght [1544], that then the said Aspeden and Margaret shalbe after execu^on lawfull had of the said x^{li} chargeable after the rate of the said x^{li} beynge a Chyldes parte of the goodes of the said Nicholas."

DECREES AND ORDERS, EDWARD VI., BK. 9, Fo. 112.

EASTER TERM. 5 EDWARD VI. [1551].

27th April.
Inter
Aspeden and
Shirburne.

Defendants to be dismissed out of court with their costs as plaintiffs made default.

RICHARD TOWNELEY, THE KING'S FARMER OF DISSOLVED
 CHANTRY IN BURNLEY CHAPEL, *versus* ROBERT
 WAYMSLEY AND OTHERS, *re* CHANTRY
 LANDS, &C., AT BURNLEY.

To the ryght honorable Sir William Pachet [Pagett], Knyght, Controwler of the Kynges most honorable howsehold, and Chauncelor of the Duchy of Lancaster.

RICHARD Towneley, Esq. complains that where his Majesty, by Letters Patent dated 5th December in his second year [1548], with the advice and assent of the counsel of the court of the Duchy of Lancaster, demised to plaintiff all that the late chantry in the Chapel of Burnley, within the parish of Whalley, called Townley Chantry, now dissolved, together with all the messuages, lands, and tenements thereto belonging: to hold from the feast of Easter next before the date of the said indenture, for the term of 21 years then next ensuing, paying therefor yearly to the King £5 3s. 5d., by force whereof plaintiff entered into the said premises: But so it is that now of late, to wit, the 10th day of May last, Robert Wawmersley, Robert Dobson, Richard Carter, William Hothersall, Hugh Hakkyng, Christopher Pope, Jamez Rodes, Thomas Ecclez, Richard Billesbrough, Alys Cleyton, widow, Margaret Batersbye, widow, and Ellys Gysmynalhawgh, late the wife of Robert Gysmynalhawgh, entered into divers parcels of the said premises, and they now take the profits thereof and will not permit plaintiff to occupy the same, so that plaintiff will be unable to pay the said rent.

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 [Calendar 9.]
 T. 2.
 Edward VI.
 [1550-51.]

Prays that Letters of Privy Seal may be directed against the said Robert Wawmersley and others, commanding them to appear at Westminster to answer the premisses.

HILARY TERM. 3 EDWARD VI. [1549].

Hereupon two several Privy Seals, one to Robert Wawmersley, Robert Dobson, Richard Carter, William Hothersall, and Hew Hakkyng, and the other to James Rodes, Thomas Eccles, Richard Billesbrough, Alice Cleyton, Margaret Battersbye, Elly Gysmynalhawgh, r xv^{ne} Pasche prox.

T. 2. a.

The answer of Robert Wamersley and others.

Defendants say that the said bill is devised to put them, being very poor men, to cost and trouble. They further say that all the lands and tenements belonging to the said chantry, called Townley Chantry, are set in the towns and villages of Rybchestre [Ribchester], Clayton, Hoddersall [Hothersall], Hallston [Alston], and Prestbanke, in the county of Lancaster, as more fully appears by a composition made at the time of the foundation of the said chantry. Long before the said demise made by the King to the said Richard Towneley, and long before the statute whereby all chantries were surrendered into his Majesty's hands, John Aspdene, chaplain, lawful incumbent of the said chantry by the appointment of Sir Richard Townley, Knight, then "very patron and laufful donor" of the said chantry, by deed dated 20th August, 1 Edward VI. [1547], granted all the said chantry lands and tenements to Olyver Hallsted of Roley [Rooley], and John Barcrofte of Moseley, in the county of Lancaster, yeomen, to hold for 40 years then next ensuing, they paying yearly for the same the sum of £4 11s. 11d. The said Oliver Hallsted and John Barcroft agreed by the said deed to suffer all the tenants of the said chantry lands to remain there for two years, by reason whereof defendants being tenants there, have occupied the said lands as well during the said two years as since as tenants at sufferance to the said Halsted and Barcroft, and have taken the issues and profits thereof as it was lawful for them to do.

After the said lease so made by the said John Aspdene, the said Richard Townley, surmising untruly that the said chantry lands were out of the lease obtained the said lease mentioned in his said bill.

T. 2. b.

The replication of Richard Townley, Esq.

Long before the said premises came into the King's hands, Hewe Whatmouth, Clerk, was lawful incumbent and chantry priest of the said chantry of the gift of plaintiff, being very patron and donor thereof, as appears by the certificate of the Commissioners, upon which certificate the said Whatmough was

allowed his pension for the said chantry: without that that the said John Aspden was at any time lawful incumbent of the said chantry, &c., &c.

The Certificate of Thomas Langton and Richard Shyrburn.

T. 2. f.

Depositions taken at Whalley, 12th April, 4 Edward VI. [1550]

On behalf
of plaintiff.

Hugh Watmowgh, priest, aged about 46, said he knew that Peter Addlyngton, priest, occupied a chantry at Burnley, called Townley Chantry: after his decease deponent had the presentation thereof from the said Richard Townley.

Deponent celebrated and sang mass at the said chapel.

He was presented to the King's Commissioners at Preston.

After the certificate made at Preston, deponent received a bill of Richard Raynshay, Esq., at Manchester, to receive the rents of the tenants of the said chantry, but they would not pay any to him.

Symon Haydock of Burnley, aged about 46, as above.

Hugh Halstede of Burnley, aged about 36, knows that the said Ric. Townley gave a presentation to the said Hugh Watmowgh immediately after the death of the said Peter Addlyngton, and that he sang and ministered in the said Chapel, and received one whole year's rent of the said Ric. Townley, Esq., the King's farmer thereof.

After the said Certificate the said Watmowgh received the King's pension for the said chantry which was about £4 11s. 11d.

Gylbert Farebank, priest at Burnley, aged 64, has seen the said Watmowgh minister and say mass in the said Chapel.

Robert Pereson of Clyvyger [Cliviger], aged 57, and Peter Habbergham of Wadsworth, in the county of York, were present when the said Watmowgh entered the said Chapel and said mass, and he desired them to bear witness thereof.

John Nutter, of the Newlawnd in Pendle, aged about 38, and Ayyles Parker of Burnley, aged 28, know there was a lease because they witnessed it and so were present at the sealing and delivery thereof. Deponents do not know the date

of the said lease, but they were present when it was sealed and delivered by Sir John Aspden, priest, to Oliver Halstede and John Barcroft, on the Feast of All Saints, 1 Edward VI. [1547].

T. 2. g. Depositions taken the same day and place on behalf of defendants.

John Aspden of Burnley, clerk, aged 43, says that he has a presentation from Sir Ric. Townley, Knight, dated the 30th December, 38 Henry VIII. [1546], to the chantry of Burnley, and was possessed thereof until the dissolution.

Deponent made a lease of all the lands and tenements in Ribchester, Clayton, Huddersall [Hothersall], Alston, and Prestbank, parcels of the possessions of the said late Chantry to Oliver Halstede and John Barcroft for the term of 40 years. The said lease is dated 20th August, 1 Edward VI., and was sealed and delivered on the feast of All Saints then next following.

The yearly rent thereof reserved was £4 11s. 11d.

Barnard Townley, John Nutter, Miles Parker, Richard Hyrd, and William Booth, were present at the sealing and delivery thereof.

John Talbutt of Saylburye [Salisbury], Esq., aged 48, and Thomas Whyttyker of the Holme, aged 38, know that Sir John Aspden has a presentation to the said chantry.

Richard Woodrooff of Burnley, aged 33; Barnard Townley of Burnley, aged 21; and Richard Hyrd of "ye ffylly close," aged 32; depose as above.

John Nutter of the newe Lawnd in Pendle, aged 38, and Myles Parker of Burnley, aged 28, were present at the sealing and delivery of the said lease.

Thomas Townley of Burnley, gentleman, aged about 30, as above.

ELLEN TOWNELEY, DAUGHTER OF SIR JOHN TOWNELEY, KNIGHT,
versus SIMON HAYDOCKE AND GILBERT HAYDOCKE, CLERK,
re TITLE TO LANDS, &c., IN PADIHAM AND BURNLEY.

To the Right Hon. Sir William Pagett, Knight.

ELYN Towneley complains that where by indenture dated 24th June, 14 Henry VIII. [1522], made between Sir John Towneley, Knight, of the one part, and Simon Haydock of the other part, in consideration of divers sums of money paid by the said Sir John to the said Simon, it was agreed that a marriage should take place between Evan Haydocke, son and heir apparent of the said Simon, and plaintiff, daughter of the said Sir John, in consideration whereof the said Simon agreed to make a surrender of all his copyhold lands and tenements in Padeham [Padiham] and Brunley [Burnley], in the county of Lancaster, to the use of such persons as the said Sir John should appoint: which said persons were to stand seised of the said premises to the use of Evan Hadocke, father of the said Simon, for his life, and after his decease to the use of plaintiff for her life. After the solemnization of the said marriage, the said Simon, at a court held within the manor of Ightenhill, in the county of Lancaster, surrendered into the hands of King Henry VIII., lord of the manor, his copyhold lands in Padeham [Padiham], by the name of two messuages, two oxgangs of land, two acres of land in le golde field, one toft, two acres of land of Rodeland, to the use of Gilbert Hadocke, clerk; John Yngham, chaplain; John Yngham of Fullege; and Richard Kepax and their heirs; also his copyhold lands in Brunley [Burnley], by the name of one messuage called Grymehowse, and fifteen acres of land in Brunley [Burnley], to the use of the said Gilbert and others, by virtue whereof they were admitted tenants thereof and were thereof seised to the use of the said Evan Hadocke for life, and after his death to the use of plaintiff.

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 4 Edward VI.
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The said Evan Hadocke the son and plaintiff were lawfully married together within the years of consent, to wit, within the age of twelve years, but afterwards the said Evan, at the age of

twelve years, "did dysagree vnto the said maryage," so plaintiff and he were divorced about four years ago, since which time the said Simon and Gilbert have, by the aid of the steward of the said manor, wrongfully entered into the said premises and taken the profits thereof, and will not allow plaintiff to enjoy the same.

Prays that letters of Privy Seal may be directed to the said Simon and Gilbert Hadocke, commanding them to appear to answer the premises.

EASTER TERM. 5 EDWARD VI. [1551].

T. 3. a. Hereupon a Privy Seal to Symon Hadock and Gilbert Haydock, to answer in the Octaves of St. Martin next.

The answer of Gilbert Haydocke, clerk, and Simon Haydocke.

Defendants say that plaintiff "disagreed" to the said marriage by reason whereof she and the said Evan were divorced. After the death of the said Evan Haydocke the elder, the said Gilbert Haydocke and others were seised of the said premises to the use of the said Evan the younger and his heirs.

T. 3. c. Commission dated 29th May, 6 Edward VI. [1552], directed to Richard Townley and John Kechyn, Esqrs., and Laurence Haberjam and Robert Parker, gents.

T. 3. g. Depositions taken at Whaley, in the county of Lancaster, the 26th September, 6 Edward VI. [1552].

Thomas Ryley of the Grene, in the county of Lancaster, gent., aged 56, knows the said copyhold lands in Padyam [Padiham], and Burneley.

The said lands were surrendered to Gilbert Hadock, clerk, John Yngham, clerk, Ric. Kepax, and John Yngham, of Fullege, according to the custom of the manor of Ightenhill, to the use of a pair of indentures made between Sir John Towneley, Knight, of the one part, and Simon Hadoke of the other part: which said indentures deponent has seen and heard read.

The said Sir John paid certain sums of money to the said Simon and his wife, but how much deponent does not know. He also covenanted to get a lease from the Abbot and Convent

of Whalley to the said Simon, of the tithe corn, in consideration of the marriage made between the said Evan Hadoke and Elyn Towneley.

Alexander Lever of Burneley, yeoman, aged 50 years and more, tenant to the King, says that about five or six years ago, Simon Hadoke delivered to him an indenture of covenants of marriage between the said Evan and Elyn, made between the said Sir John and the said Simon, signed by the former. Deponent took a true copy thereof and delivered it to Jane Dalton, widow, to the use of plaintiff.

Thomas Towneley of Burneley, gent., aged 32, saw the said indenture and examined the copy thereof (which was word for word the same), in the presence of Jane Dalton, widow, Laurence Habergam, and Geffray Ryscheton.

William Halsted of Worstorne, in the county of Lancaster, freeholder, of the age of 60 years and more, heard the said indenture read in Burneley Church, five or six years ago, in the presence of Thomas Towneley, Thomas Ryley, Alexr. Lever, John Wodroffe, and others.

John Wodroffe of Burneley, gent., tenant to the King, aged 60 years and more, says that there was paid by the said Sir John to the said Simon, £6 13s. 4d., and the said Sir John obtained a lease of the said tithe corn of the Abbot and Convent of Whalley to the said Simon in consideration of the said marriage.

Thomas Whytteker of the Holme, in the county of Lancaster, freeholder, aged 60 years and more, and John Aspelande, clerk, depose as above.

On behalf of defendant.

Nicholas Grymshay of Bruneley [Burnley], yeoman, tenant to Nicholas Robert (?) aged 55 (?) years and more, says that Gilbert Hadoke, John Yngham of Fullege [Fulledge], and Ric. Kypax, four or five years ago surrendered the said lands into the hands of deponent, then grave of Ightenhill, in the house of Isabell Plates, widow, in the presence of the said Thomas Towneley and Elyn Towneley, to the use of the said Simon and his heirs without any prohibition being made by the said Thomas and Elyn.

T. 3. h. Depositions taken at Burneley, in the county of Lancaster, 23rd March, 7 Edward VI. [1553],

For plaintiff. Thomas Ryley, gent., aged about 60, says that the said Sir John obtained a lease from the Abbot and Convent of Whalley of the tithe corn of Hurstwoode, Worstorn, and Haysande Forth [Heysandforth], to the use of the said Simon for certain years.

John Aspeden, clerk, aged 44, says that one of the covenants in the said indentures was that the said feoffees should be seised of the premises to the use of Evan Haidocke, father of the said Simon, for life, and after his death to the only use of the said Elyn for her life. The copy of the said indenture brought to the Commissioners by plaintiff, written by Alexander Lever, is a true copy, for deponent himself wrote a copy from the said copy about five or six years ago.

Geffrey Risssheton of Burneley, gent., aged 36, was in Burneley Church five or six years ago and heard the said indenture read.

Henry Wilkynson of Worstorne, tenant to John Woodroffe, aged 84, and Richard Smithe of the same, tenant to Edward Stancliffe, aged 90 years, says that Simon Heydocke has had the tithes of Hurstwoode, Worston, and Haysandeforthe [Heysandforth], for about 24 years, and that they are worth one year with another 20 nobles at the least. Deponents and other tenants of Worstorne and Hurstwoodde had a parcel of the said tithe in farm until the said Sir John obtained the lease for the said Simon.

T. 3. i. Indenture made between Sir John Townley, Knight, and Simon Haydocke, wherein it was agreed that Evan Haydocke, son and heir of the said Simon should marry Elyn Townley, daughter of the said Sir John, within eight years next coming, &c.

Dated 24th June, 14 Henry VIII. [1522].¹

¹ This Indenture is of great length but does not contain anything of interest, except that it names Jenet, the wife of Simon Haydock.

THE KING ON THE INFORMATION OF JOHN CARRYLL, ESQUIRE,
ATTORNEY GENERAL OF THE DUCHY *versus* LAWRENCE
TOWNLEY, *re* LAND IN PENDLE FOREST, &c.

*Information exhibited into the Court by John Carryll, Esq.,
Attorney of the Duchy of Lancaster, on behalf of the
King against Lawrence Towneley, gentleman.*

WHEREAS the King was seised in his demesne as of fee as in right of his Duchy of Lancaster of one parcel of ground lying within the Forest of Pandyll [Pendle], in the county of Lancaster, called the "syx foster Doles": So it is that the said Laurence Towneley, about ten years ago, wrongfully entered into the said premises and intruded upon his Majesty's possession thereof, and has ever since taken and still takes the issues and profits thereof, to the disinheritation of the King.

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R. I.
Edward VI.
[1550-51.]

Wherefore the said John Carryll prays that the said Laurence, now being here present in the Court, may answer the premisses.

The answer of Lawrens Towneley.

R. I. a.

Defendant says he is lawfully seised of one parcel of ground or pasture called Rushtonthornes, whereof the said lands called "vj foster Doolles" are and ever have been parcel within the Forest and Chace of Pendyll [Pendle], in the county of Lancaster, and holds the same to him and his heirs of the King, as of his manor of Ightynhill [Ightenhill], by copy of Court Roll, by force whereof defendant entered the said premises and has taken the issues thereof for 18 years and more.

Defendant's grandfather and father as tenants by copy of Court Roll occupied the said premises for 24 years and more.

Depositions taken at Rissheton [Rishton] Thornes, in the Forest or Chace of Pendill [Pendle], 23rd Oct., 6 Edward VI., [1552], before Sir Richard Sherburn and others.

R. I. b.

Laurens Hargres of the Loger Barowforth [Barrowford], in the county of Lancaster, yeoman, tenant to the King, aged about 66, knows that the grounds now in variance were sometimes called

Blakwode and sometimes Forster Doolles : they are parcel of a pasture called Risssheton Thornes, and lie within the same. For 50 years they have been taken for a parcel thereof.

The said grounds were demised to Laurence Townley, grandfather of defendant, by copy of Court Roll, according to the custom of the manor of ell, and he occupied the same for term of his life without interruption from anybody.

After the death of the said Laurence, Henry Towneley, father of defendant, took the profits of the said premises for his natural life. Knows that defendant and his ancestors have occupied the said grounds called six forstor Dolles as part of Risshton [Rishton] Thornes since about 24 Henry VII. [1508-9].

Defendant and his ancestors have paid yearly for Risssheton Thornes 26s. 8d.

The said lands were called Six Forster Dolles, or Blackwode Dolles, because the foresters of the Forest of Pendill [Pendle] had six horse gayttes in summer and certain dolles for hay yearly before the destruction of the deer, for keeping their horses in winter. The said lands were kept "several" for the deer except the said "horsegaytes" and dolles for hay.

John Woderofe of Burneley [Burnley], tenant of the King, aged about 66, says that he was in Court when Lawrence Townley, the grandfather, fined for the said lands.

James Herteley of the Forest of Pendill, yeoman, tenant of the King, aged about 87, as above.

George Halsted of Burneley, aged 70; John Aspeden of Padiham, aged 64, tenants of the King, and William Sagg of Catlow, tenant of William Ratcliff, Esq., aged 74, as above.

James Redehalg of Moch Merfelde, tenant of Edmund Towneley, Esq., aged 72; John Elliott of the township of Colne, tenant to the King, aged about 74; Henry Legh (?) of Catlow, tenant of the said William Ratcliff, Esq., aged about 62; Henry Wilkynson of the parish of Burneley, tenant of John Woderofe, yeoman, aged about 83; Christopher Bawdewen of Lytill Merse-den [Marsden], tenant of the King, aged about 70, yeoman, as above.

Bernard Herteley of the Forest of Pendill, aged 80, tenant of the King; James Robinson of Mekyll (?) Mersedon, tenant of Henry Banaster, gent., aged about 79; Christopher Blakey of the Lagher Barrowforth [Barrowford] in Pendill [Pendle], aged 74; Christopher Hanson of Admergill (?) of the lordship of Boylewyk (?) aged about 60; Laurence Robinson of the ower Barrowforth, in Pendill, aged 70; John Hargreves of the Lower Barrowforth, in Pendill, aged 61, all tenants of the King.

Anthony Wilson of Gret Mersedon, tenant of William Hargreves, aged 65; John Redehalg of the same town, tenant of the King, aged 64; John Stevenson of Pendill, tenant of the King, aged 76; William Bawdon of the same, aged 77; and Miles Crabtree of the same, aged 76, as above.

John Nutter of Pendill Forest, aged 70; James Ballard of the same; Richard Nutter of the same, aged 60 and more; Edmund Robinson, aged 61 and more; and Christopher Robinson of the same, aged 60, tenant of the King, depose as above.

[The last part of this Deposition is very much faded and in some part illegible].

Commission dated 5th May, 4 Edward VI., directed to Sir Arthur Darcie, Knight, Francis Samwell, Thomas Hardwike, Richard Greneacre, and Mathewe Thomson, gents.

R. 1. d.

The sayinges of the said Lawrence Towneley.

R. 1. i.

The said Lawrence says that Lawrence Towneley his grandfather, Harre Towneley his father, and he himself, have occupied the said ground called Foster Doyles, otherwise Blackewell Doyles, as a parcel of the King's waste within the Forest of Pendyll, being parcel of Rusheton Thornes, by virtue of a copy to hym granted of the same.

Depositions of witnesses on behalf of the King.

R. 1. j.

John Robynson of the Old Launde, aged about 80, says that the said parcel of ground called Six Fosters Doles, within the Forest of Pendull [Pendle], was occupied by the "Fostars" [Foresters] of the said Forest: the said Doles adjoin Rusheton

Thornes with a boundary between them. The inhabitants of Barrowforde mowed Russeton Thornes. Deponent does not know whether Foster Doles is parcel of Russeton Thornes or not.

Old Lawrence Towneley, Henry Towneley, and Lawrence Towneley the younger, have occupied Six Fosters Doles for about 36 years.

Defendant pays to the King 26s. 8d. yearly for Newcar, Russeton Thornes, Nugworth bancke, and the Six Foster Doles.

The six Fosters occupied the said ground when it was a forest without paying any rent for the same, except 3s. 4d. allowed by them to the steward upon receipt of their wages, which amounted yearly to 20s.

Myles Nutter of Roughley, aged about 65, says that Lawrence Towneley was "taken" of Six Fostars Doles and also of Russeton Thornes, Newcar, and Nugworth bancke by copy of court roll.

Hugh Parker of Higham Booth, aged 66, as above.

John Hargrave of Wiggelsworth [Wigglesworth], aged about 79, says the said ground is no parcel of Russeton Thornes. There is a waste ground lying between the Six Fosters Doles and the pasture called Russeton Thornes. The inhabitants of Barrowforde yearly occupied one piece of meadow lying at the end of the said waste between the said grounds.

John Hargrave of Whalley, aged about 70, says that some of the said six fosters occupied parcel of the said Six Fosters Doles, and those fosters who dwelt at a distance let their parts to other persons for 3s. 4d. each dole. They occupied the same for a long time before the destruction of the deer of Pendull Forest.

R. I. K.

Depositions of witnesses taken at a place called the New Church in Pendyll Forest, 11th October last past.

John Robynson of the Olde Lande [Launde], aged 76; John Close of Hamelet (?) Chambre, aged 72; and Christopher Robynson of Roughle [Rough Lee], aged about 50, as above.

John Hargreaves of Symonston [Simonstone], aged 60, says that Russhton Thornes and Newcarre were kept "several"¹ for

¹ *Severals* were portions of common lands assigned to a particular proprietor.

the maintenance of the "hynd calffes" until the time of the destruction of the deer.

John More of Hygham, aged 60; and James Harteley of Barlow boyth [Barley Booth], aged 84, as above.

RICHARD TOWNELEY *versus* ROBERT HABERGAM AND ELIZABETH
HIS WIFE, *re* TORTIOUS POSSESSION OF A CHANTRY
TENEMENT IN BURNLEY CHURCH.

To the Right Hon. Sir William Paget, Knight.

"IN most umble wyse complaynyng shewyth to yor Lordship
yor orator" Richard Towneley, Esq., that where the King
that now is by Letters Patent under the Great Seal of the Duchy 4
Court dated 5th December in the second year of his reign [1548],
demised to plaintiff all the late Chantry of Burneley [Burnley], in
the parish of Whalley, called Townley Chauntry, dissolved, and
all the lands and tenements thereto belonging: to have and to
hold from the feast of Easter then last past, for the term of 21
years then next following, paying therefor yearly to his Majesty
£5 3s. 6d., by force whereof plaintiff was seised of the said
premises: Now so it is that Robert Habergam and Elizabeth
his wife, about the 20th day of February, 2 Edward VI. [1549],
wrongfully entered into one chamber, parcel of the said chantry,
and with force and arms keep the same, and will not suffer plain-
tiff to take the issues and profits thereof according to his lease,
which is to his extreme hindrance.

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T. 10.
Edward VI.
[1550-51.]

Prays that Letters of Privy Seal may be directed to the said Robert and Elizabeth Habergam, commanding them to appear and answer.

"Termino Pasche A° R^e E. vj^{ti} quarto [1550].

Hereupon a Privy Seal to Robert Habergam and Elizabeth his wife, to answer tres^{ez} Michis prox."

THOMAS ASHAW *versus* JAMES ANDERTON, *re* BREACH OF
CONTRACT FOR A MARRIAGE PORTION AT
CHARNOCK HEATH.

To the Right Hon. Sir William Pagett, Knight.

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[Calendar 6.]
A. 4.
5 Edward VI.
[1551-52.]

THOMAS Asshawe of Heth Charnocke [Charnock Heath], in the county of Lancaster, Esq., complains that where James Anderton of Ewston [Euxton], in the county of Lancaster, gent., promised to plaintiff the sum of 100 marks in marriage with Mary his daughter for her advancement, to be paid at sundry days now expired: Now so it is that plaintiff married the said Mary about the 21st day of February [year omitted], and afterwards he repeatedly asked the said James Anderton for the said money, but he refused and still refuses to pay it, thereby damaging plaintiff to the amount of £200.

Prays that a writ of Privy Seal may be directed to the said James Anderton, commanding him personally to appear and answer.

“Termino Hill. A° RR E. vj^{ti} quinto [1552].”

GABRIEL HESKETH AND MATTHEW HESKETH, EXECUTORS OF
BARTHOLOMEW HESKETH, *versus* JOHN PHILIPSON, *re*
TORTIOUS POSSESSION OF CHANTRY LANDS IN
RUFFORTH CHAPEL.

To the Right Hon. Sir William Pagett, Knight.

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[Calendar 7.]
H. 17.
5 Edward VI.
[1551-52.]

GABRIELL Hesketh and Mathew Hesketh of Aghton [Aighton], in the county of Lancaster, executors of the will of Bartholomew Hesketh, deceased, complain that where the said Bartholomew their father, by his will declared that six marks or less of his messuages and lands should be given yearly by his executors for the stipend of an honest and well disposed priest to say mass at the Chapel of Rufforth, in the said county, and the

same to continue during his interest and title in the same: of which will he made plaintiffs the executors: and where also his Majesty's Commissioners upon their survey of the lands and tenements lately belonging to the late dissolved Colleges, Guilds, &c., certified that certain lands and tenements in Langton, of the yearly value of 7s., containing about three acres, in the tenure of Rauf Philipson, ought to be parcel of the possessions of the said chantry at Rufforth, by the gift of the said Bartholomew Hesketh, on lands being in his hands in mortgage, by reason whereof the said mortgage being still in force, plaintiffs are chargeable to the King for the payment of the said 7s. as executors: Now so it is that since the death of Bartholomew Hesketh, plaintiffs have been peaceably seised of the said lands in Langton and have taken the profits thereof until about the 20th day of May last [1551], when John Philipson, Richard Smith, John Ridyng, and Henry Rydyng, with divers others to plaintiffs unknown, without any just cause have riotously entered the said premises and with great force expelled plaintiffs from their possession thereof, and still keep them out and utterly refuse to pay the rents due and accustomed.

Pray that Letters of Privy Seal may be directed against the defendants, commanding them to immediately allow plaintiffs to take possession again of the premises.

"Termino Hill. A° RR E. vjth quinto [1552].

Hereupon Privy Seal to John Philipson and others."

LAWRENCE WATERWARD, CLERK, PARSON OF NORTHMELLS
 [NORTH MEOLS] CHACE, *versus* JOHN BOLDE, *re*
 INTERRUPTION OF WAY TO LANDS IN
 NORTH MEOLS.

To the Right Hon. Sir William Pagett, Knight.

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 [Calendar 8.]
 W. 6.
 5 Edward VI.
 [1551-52.]

LAWRENCE Waterward, clerk, parson of the Parish Church of Northmelles [North Meols], in the county of Lancaster, complains that where he is seised in his demesne as of fee, as in the right of the said parsonage, of certain meadow-grounds in Northmelles [North Meols] called the Parsones Meadows: which plaintiff and all his predecessors have always quietly enjoyed without interruption from anybody, and which he has enjoyed as parson for 21 years last, and to which he and all his predecessors have always had free passage and carriage, as well with carts and wains, as horses and other carriages to pass to and from the same, and to carry the hay growing upon the same without any disturbance: Now so it is that the premisses notwithstanding, John Bolde of Northmelles [North Meols], gent., since the 27th day of July last, 5 Edward VI. [1551], has not only interrupted plaintiff when he used the said way, but has also of a "covetous and gredie mynde" taken from him all the hay growing upon the said meadows, carried it to his own mansion and converted it to his own use. Moreover the said John Bolde has since the 1st day of July past [1551] taken from plaintiff all such tithe hay as was due to him for the meadows of the manor of Northmelles [North Meols], within the said parish of Northmelles, and refuses to restore the same or to allow plaintiff to use the said way.

Prays that Letters of Privy Seal may be directed to the said John Bolde, commanding him personally to appear and make answer.

"Termino Michis A^o v^o R^{re} E. vj. [1551]."

Hereupon a Privy Seal to John Bolde.

GEORGE GRUNDY *versus* ELLEN EDGE, *re* TITLE TO MESSUAGE
AND LANDS IN OVER HILTON AND MIDDLE HILTON.

To the Chancellor of the Duchy of Lancaster.

GEORGE Grundy of the parish of Rushebury, in the county of Salop, complains that where Sir Richard Brereton, Knight, and Dame Joan his wife, were seised in their demesne as of fee, in right of the said Jane [Joan] of one messuage in Over Hilton, in the county of Lancaster, with all meadows and pastures thereto belonging, late in the tenure of Nicholas Michell *alias* Nicholas Farneworthe, deçed, and so seised in consideration of the faithful service to them done by plaintiff about ten years ago, they with Richard Brereton their son and heir apparent, demised the said premises to plaintiff, Elizabeth his wife, and Francis their son for their three lives, and executed an estate thereof accordingly at a certain yearly rent, by force whereof plaintiff enjoyed the same for eight years, until now of late that Ellen Edge, widow, being a woman of great power and substance, has with force turned plaintiff out of the possession of one close called Hobb Croft, parcel of the premises containing ten acres, and still withholds the same from him.

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[Calendar 11.]
G. 1.
5 Edward VI.
[1551-52].

As plaintiff is very poor and unable to sue for remedy at the common law, he prays that Letters of Privy Seal may be directed to the said Ellen Edge, commanding her to appear to answer the premises, "and this in the way of charitie and for godes love."

The answer of Ellen Edge, widow.

G. 1. a.

It is true that the said Sir Richard Brereton, Knight, and Dame Joan his wife, were seised of the said close called Hobbe Croft, containing about three acres, which said close is parcel of a tenement called Burneden Place, now in the tenure of plaintiff, lying in the town of Myddill Hilton, in the county of Lancaster, and they being so seised, for the sum of 40s. paid to them by defendant, demised the same to John Edge and to defendant then his wife for the lives of the said Sir Richard and Dame Joan, the term beginning 2nd January, 20 Henry VIII. [1529]: by force

whereof the said John and defendant were thereof seised in their demesne as of freehold, they paying yearly for the same 6s. 8d. : the said John held the same during his life, and defendant after his death, until plaintiff exhibited his said bill of complaint.

Defendant continues to occupy the said close as the said Sir Richard and Dame Joan are in full life.

G. i. c. Commission dated 18th November, 5 Edward VI. [1551], directed to Sir Robert Langley, Knight; Robert Barton, Rauf Asheton, Esqrs.; and Thursetan Parre, gent.

G. i. e. Depositions taken at Ellynbrowghe [Ellenbrok] Chappell, 18th January, 5 Edward VI. [1552].

Richard Grundye of Bowlton [Bolton], tenant to Robert Barton, Esq., aged 58, says that Sir Richard Brereton was seised of a messuage late in the holding of Nicholas Mychell *alias* Farne-worthe, in right of Dame Jane his wife.

Knows that the said Sir Richard and his wife, about thirteen years ago, made a lease to plaintiff, Elizabeth his wife and Francis their son, because he was present when the said lease was executed.

The close called Hobb croft is parcel of the said messuage. About fifty years ago William Grundy, deponent's father, took certain hay ground in the said close of Nicholas Mychell, then the owner thereof.

William Bordman of Middle Hilton, tenant to Sir Richard Brereton, Knight, aged about 60 years, has heard that Ellen Egge has paid certain money to George Grundy for Hobcroft, but how much he knows not.

John Egge, late husband of the said Ellen, became tenant to Nicholas Mychell, and paid a yearly rent for Hobcroft: and after the death of the said John the said Ellen became tenant to the said Nicholas.

Humfrey Hulme of Medyll Hilton, aged about 40, tenant to plaintiff, says that plaintiff by virtue of the said lease to him made, is possessed of the said messuage, and that Hobcroft is parcel thereof.

Immediately after the grant made to Grundy, the said Ellen took Hobcroft of him, paying for the same 13s. 4d. yearly, whereas the old rent was only 6s. 8d.

John Bordman of Medyll Hylton [Middle Hilton], aged about 50, says that Gyllys Egge of the Egge Fowlde, occupied part of Hobcroft, and paid therefore a yearly rent to the said Mychell.

Charlys Grundie of Medyll Hylton [Middle Hilton], tenant to Sir Ric. Brereton, aged 44 ; and Hugh Brabyn of Medyll Hylton, tenant to the same, aged 50, as above.

Gyllys Egge of Medyll Hylton, tenant to the same, aged about 40, says that he took one acre of hay ground within Hobcroft and was stopped by the said John Edge, notwithstanding which he took it away by agreement.

Depositions taken the day and place abovesaid, on behalf of defendant.

Richard Williamson, tenant to Sir Richard Brereton, Knight, aged 40, knows that Hobcroft is parcel of the tenement of John Egge, husband of the said Ellen, defendant. Before the said John had it it was occupied by Thomas Egge, uncle to the said John, during the lives of the said Thomas and John, saving that the said Ellen paid rent to the said George for about six years.

Nicholas Spakeman, aged 70; Thomas Brabyn, aged 60, tenant of Sir Ric. Brereton; William Egge, aged 80, tenant to William Hylton of the Park, Esq.; William Penynnton, aged 60, tenant to William Astley, Esq.

The said Ellen Edge, defendant, has also come before us and showed an indenture, having neither seal nor assignment, dated 2nd January, 20 Henry VIII. [1529].

Thomas Brabyn says he received 40s. to the use of the said Sir Richard Brereton for six years rent, which was behind of the rent of Hobcroft.

Depositions taken at Manchester, 4th May, 6 Edward VI. [1552].

Charles Jonson *alias* Hygson, tenant to Thomas Holland of Elyston, Esq., aged 50, knows that Hobcroft is parcel of the tenement of Nicholas Farneworthe *alias* Mychell, because about

forty years ago deponent was hired by the said Nicholas "for to drive ye harowe" within the said close. Besides which he has got hay in the said close to the use of the said Nicholas.

Robert Langley.
Rob. Barton.
Thurston Parr.

G. i. f. Right Worshipful. "This may be to signifie you" that John Eton being deputed my steward for leasing my lands in Hylton, demised the pasture or croft called Hobcroft to John Egge and Ellen his wife, with which I am well contented, as for a long time it has belonged to the tenement of the said Ellen Egge. The croft never was parcel of the grant to the said Grundy. If you would appoint the hearing of this matter for the first day of the next term I would be there and bring with me such evidences touching the same that the matter would appear plain to you; "wherein you shall do a veyrey charitable dede."

Written at my house of Harnage Grange, 15th October.

Richard Brereton.

*To the Right Worshipful Mr. Carell,
his Majesty's attorney in the Duchy Chamber.*

DECREES AND ORDERS, EDWARD VI., VOL. 8, Fo. 438.

Inter
Georgium
Grundye
plaintiff,
et
Elyn Edge
defendant.

In the matter depending between George Grundye, plaintiff, and Ellen Edge, widow, defendant, concerning the right to and possession of a close called Hobcroft, in the parish of Deyne [Dean], in the county of Lancaster, late in the tenure of Nicholas Mychell. Plaintiff says that Sir Ric. Brereton and Dame Jane his wife, by deed dated 11th March, 30 Henry VIII. [1539], demised to him, his wife and son, one messuage in Overhilton and all the lands, closes, &c., thereto belonging, by force whereof he entered into the same, together with the close called Hobcroft. Afterwards plaintiff leased the close to Ellen Edge at his will and pleasure, she paying yearly for the same 13s. 4d., by force whereof she occupied the same until lately, when she not only refused to pay the said rent to plaintiff, but also took a new lease from the said Sir Richard in her own name, and with divers riotous persons entered the said close, which she still keeps from plaintiff.

Defendant in her answer denies that the close is parcel of the said tenement demised to plaintiff, and claims the same by virtue of a lease from the said Sir Richard made since the lease was made to plaintiff.

Forasmuch as it appears by the first lease that Sir Richard demised all the premises to plaintiff, his wife and son for their lives, and forasmuch as it has been proved by the depositions of divers persons, that when that lease was made the said Hobcroft was parcel of the tenement so demised to plaintiff. It is therefore ordered that plaintiff shall from henceforth enjoy the said Hobcroft without interruption of defendant or others, until defendant shall show cause why he should not so do. And that defendant shall pay to plaintiff before the feast of Pentecost next, the sum of 5 marks as well for his costs as for the arrears of rent.

And whereas for a long time defendant has occupied Hobcroft as farmer and tenant to plaintiff, plaintiff at the request of this Court is content that she shall still occupy the same at the yearly rent of 13s.²4d.

THE KING *versus* GABRIEL HESKETH, *re* LANDS AND TENEMENTS
AND RENT OUT OF LANDS CERTIFIED TO BE OF THE
FOUNDATION OF BARTHOLOMEW HESKETH, FOR
FINDING A PRIEST TO SAY MASS IN
RUFFORD CHAPEL.

INTERROGATORIES on behalf of the King to be ministered to Richard Deane, late chantry priest, of certain lands and tenements in Larebreke [Larbrick], in the county of Lancaster, of the yearly value of £3 6s. 8d., and of lands and tenements in Hoton [Houghton ?] of yearly value of 6s. 8d., and of an annuity of £3 6s. 8d. going out of certain lands in Walton, certified to be of the foundation of Bartholomew Hesketh, for the finding of a priest to say mass in a Chapel called Our Lady's Chapel at Rurfforth [Rufford], in the county of Lancaster.

Vol. lix.
[Calendar 11.]
R. 1.
Edward VI.
[1551-52.]

22nd April, 5 Edward VI. [1551].

Richard Deane of Ruffourthe [Rufford], in the parish of Croston, in the county of Lancaster, clerk, aged about 45, does not know the lands in Larebreke [Larbrick], but the yearly value thereof is £3 6s. 8d. Deponent does not know the tenant thereof, but one Danyell is the owner.

Bartholomew Hesketh had them either in marriage or in lease. "Mr. John Arscott, Esq." has the particulars thereof "yntytele" to the King by Gabriel Heskythe.

Does not know the lands in Hoton [Houghton?] or the yearly value thereof, nor the names of the tenants and owner, but the said Mr. Arscott has a rental thereof and the names of the tenants which were found out by the Commissioners and their deputy, William Banaster.

Deponent knows the rent of £3 6s. 8d. going out of the said lands in Walton. Gabriel Hesketh is seised thereof, or else it remains in the hands of Richard Molynaxe. The said lands are in lease or in mortgage for about thirty years yet to come, as the said Mr. Molynaxe confessed to Mr. Kechyn, one of the Commissioners, and to William Banaster their deputy. The said Mr. Molynaxe has purchased the said lands to him and his heirs after the said years have expired.

The said premises were given by will by Bartholomew Hesketh, gent., to find a priest. Deponent has a copy of the said Will in his custody, but whether the said premises were given in the manner certified in the Duchy Chamber deponent cannot say.

Ric. Deane, C.

JAMES ASSHETON *versus* SIR THOMAS GERRARD, KNIGHT, AND
OTHERS, *re* TITLE TO BAMFURLONG HALL, IN ABRAM.

Vol. xxviii.
[Calendar 6.]
A. 15.
6 Edward VI.
[1552-53.]

JOHN Assheton, being about 14 years old, complains that where one Gilbert Assheton, his father, was seised in his demesne as of fee of one capital messuage called the "Hall of Pamferlonge" [Bamfurlong],¹ in Abrham [Abram], in the county of Lancaster,

¹ Sometimes called Bromfurlong.

and divers lands and tenements in Abrham [Abram], and being so seised, assured the said premises to plaintiff and his heirs male, and also by his will bequeathed certain of his leases and goods, and thereby declared that plaintiff and all his goods should remain in the "order and disposition" of Roger Anderton, whom he made one of his executors, until plaintiff should accomplish the age of 21 years.

After the death of the said Gilbert, plaintiff remained in the custody of the said Roger Anderton at Bykershew [Bickershaw], in the said county: Now so it is that in March last plaintiff, accompanied by John Shakerley, went to the messuage called "Bamferlong Hall" to view his house and lands, when James Assheton, Lawrence Pemberton, and Richard Stanley, servants of Sir Thomas Gerrard, Knight, at the command of the said Sir Thomas, assembled at Bamferlong and in most riotous manner came up to plaintiff and the said John, and with spiteful words commanded them in the name of Sir Thomas, and upon pain of £40, to go away from the premises, and ordered them both upon like pain to go to the house of the said Sir Thomas Gerrard at Wyndleshae to know his pleasure, intending thereby to get plaintiff into his custody, who (Sir Thomas) unlawfully urges the said Richard [*sic*] Assheton to demand the said premises against plaintiff. But plaintiff, by the advice of the said John Shakerley, perceiving the "devylls" intent of the said persons "conveyed" himself into one of the chambers of the messuage and shut the doors, intending by that means to escape, but the defendants being in a great rage, sent someone to Sir Thomas Gerrard, and asked him to send help to take plaintiff. He instantly gave order for twelve of his servants to go over, but in the meantime plaintiff, being in fear of his life, escaped in the night and got away, and is now hiding in secret places, being afraid to show himself.

Prays that Letters of Privy Seal may be directed to the said Sir Thomas Gerrard and others, commanding them to appear and make answer.

"Termino Hiñ. A^o RR E. vj^{ti} vj^{to} [1553]."

Hereupon a Privy Seal to the said Sir Thomas Gerrard, Knight, James Assheton, Lawrence Pemberton, and Richard Stanley.

A. 15. a. The answer of Sir Thomas Gerrard, Knight, and others.

Defendants declare that they are not guilty of any riot, force and arms, unlawful assembly or commandment, or trespass of any kind.

THE KING *versus* EVAN HAYDOKE AND OTHERS, *re* LANDS, &C.,
BELONGING TO BURNLEY CHANTRY.

Vol. vi.
[Calendar 6.]
R. 12. a.
6 Edward VI.
[1552-53.]

INTERROGATORIES to be administered to Sir Richard Towneley, Knight, on behalf of the King's Majesty.

4th July, 6 Edward VI. [1552].¹

1. Richard Towneley of Towneley, in the county of Lancaster, Knight, aged about 39 years, sworn at Westminster, deposes that he knows the said messuage and sixteen acres of land lying in the parish of Burneley, in the county of Lancaster, now in variance between the King of the one part, and Evan Haydock, John Woodrof, Thomas Ryley and others, defendants.

2. They are copy hold lands.

3. The premises are parcel of the lands and tenements of the chantry in Burneley, as appears by a pair of indentures between Sir John Towneley, Knight, and Thomas Ryley and others.

4. The said premises were employed for the finding of a priest to say mass for souls divers times within five years next before the making of the statute of Chantries.

5. Thomas Ryley and Simon Haydocke took the profits of the said premises at the time of the said certificate of chantries and afterwards, because Sir John Towneley, Knight, put them and others in trust as appears by a pair of indentures.

6. Stephen Smythe, priest, can declare for the maintenance and proof of the King's title to the premises for he now takes the profits thereof.

Rycherd townley, K.

¹ In the printed Calendar this is dated 16 Henry VII. The correct date is 6 Edward VI.

RICHARD HALSALL, CLERK, PARSON OF HALSALL, *versus* THOMAS GORSUCHE, *re* ASSAULT AND TORTIOUS POSSESSION OF LANDS, &c., IN SCARISBRICK.

“**I**N humble wise compleynnyng shewith” Richard Halsall, clerk, parson of the parish Church of Halsall, in the county of Lancaster, that where Thomas Gorsuche of Gorsuche, within Scaresbreke, in the said county, gent., was lawfully seised in his demesne as of fee of one close of land in Scaresbreke [Scarisbrick] called the Herre broode heye, and certain crofts of land near adjoining called Holland crofts, in Scaresbreke: and so seised, about the 28th day of June, 5 Edward VI. [1551], in consideration of the sum of £3 6s. 8d. to him paid by plaintiff, the said Thomas Gorsuche demised the said premises to plaintiff: to hold from the feast of All Saints then next following for the full term of three years, by force whereof, about the 7th day of November last, that is to say, the 7th day after the said feast, plaintiff commanded Hugh Halsall and Hugh Smyth, two of his household servants, to enter the said premises and to hedge, ditch, and enclose the same as to them should seem needful, which they accordingly did: But so it is that Thomas Gorsuche, contrary to his grant, assembled with divers others upon the premises on the said 7th day of November [1551], and “beyng arrayed in suche riotous sorte and fasshion as the lyke hath not bene sene in those parties,” and not only cruelly assaulted plaintiff’s servants there, being in God’s peace and the King’s, but also with great force drove them out of the said close and crofts, and would not suffer them to manure and occupy the same. They still keep possession of the premises and take the profits thereof to the use of the said Thomas Gorsuche, “to the grete decaye of the pore Hospitalitie and howse-kepyng of yor said orator.”

Prays that Letters of Privy Seal may be directed to the said Thomas Gorsuche, commanding him personally to appear to answer the premises.

“Termino Pasche A° R^o R^o E. vj^{ti} vj^{to} [1552].”

Hereupon a Privy Seal to Thomas Gorsuche.

Vol. xxix.
[Calendar 7.]
H. 20.
6 Edward VI.
[1552-53.]

EDWARD, EARL OF DERBY, *versus* JEFFREY BENSON, GAWEN
ASCOUGHT, AND OTHERS, *re* DEER HUNTING IN
BROUGHTON PARK.

*To the Right Hon. Sir John Gates, Knight, "Captayne of the
Kynges Maiesties garde," and Chancellor of the
Duchy of Lancaster.*

Vol. xxix.
[Calendar 7.]
D. 9.
6 Edward VI.
(1552-53.)

EDWARD, Earl of Derby, complains that where he is seised in his demesne as of fee or fee-tail of a certain park called Broughton Park, in the county of Lancaster, with divers franchises and liberties thereto belonging: and where also it is ordained by divers "estatutes" of the Realm that no man shall "haunt" unlawfully in any forest, free chase or park: Now so it is that Jefferey Benson of Twattes [Thwaites], in the county of Cumberland, yeoman, Gawen Ascought, Jefferey Postilthwatt and Gilbert Symons of the same town and county, yeomen, and John Ayscogh and Nicholas Dikson of the same, husbandmen, and divers other evil disposed persons to plaintiff unknown, arrayed after the manner of war with daggers, bows and arrows, long "pykid" staves, swords, buckellars and other unlawful weapons, assembled at a certain place in the said park called Hangman's Oke on the 12th day of June last past, and then and there not only riotously pursued, chased and hunted with grey hounds divers of the deer in the said park, but also killed three "Tegges,"¹ and carried them away to the "pernitious example of the lyke offenders if condigne punysshement be not provided."

Prays that a writ of Privy Seal may be directed to the said Jefferey Gawen and others, commanding them to appear and make answer.

"Termino Trin. A^o RR E. vj^{ti} vj^{to} [1549]."

Hereupon a Privy Seal to Geffery Benson and others.

¹ A doe in its second year.

SIR THOMAS GERRARDE, KNIGHT, *versus* JOHN CARYLL, ATTORNEY
GENERAL OF THE DUCHY, *re* CLAIM TO EXEMPTION
FROM RENT AND FOR SUPPORT OF A PRIEST
AT WINDLE CHAPEL.

To the Right Honorable Sir John Gates, Knight.

SIR Thomas Gerrarde, Knight, complains that where he is lawfully seised in his demesne as of fee, as of his own proper inheritance, of divers messuages, lands, and tenements within Wyndell [Windle], in the county of Lancaster, and where also plaintiff has been used to keep one chaplain or priest to serve in his own house, and also sometimes to say divine service in plaintiff's chapel, called Wyndell [Windle] Chapel,¹ standing within his park called Wyndell Parke, within the said county, for the ease of plaintiff's tenants dwelling near thereabouts; and to the said priest or chaplain plaintiff has sometimes given yearly £4 and sometimes less for his wages, at his will and pleasure: And now so it is that now of late since the making of the late "estatute" for the dissolution of colleges and chantries there has been a certificate made into this court that there was a yearly rent of £4 going out of plaintiff's lands and tenements in Wyndill [Windle] for the maintenance of a priest within the said chapel, to have continuance for ever: which said certificate is in every article very untrue, forasmuch as there was never any lawful conveyance made of any such rent of £4 yearly for the maintenance of a priest. Plaintiff is ready to "averre" and prove that all the said premises are and ought to be discharged of the supposed rent of £4, and that there never was any such rent paid, and that there is not any "good matter of recorde" other than the said certificate to prove that there ever was any such rent.

Prays that examination may now be made of the said certificate and the "verrye" cause thereof, whether there be any good matter to maintain the same to be true or not, and thereupon to take such order with plaintiff in the matter as shall be consonant with equity and conscience.

¹ Afterwards known as Windleshaw Chapel.

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[Calendar 7.]
G. 10.
6 Edward VI.
[1552-53.]

G. 10. a. The answer of John Caryll, Esq., Attorney General.

The said John Caryll says that there is a good certificate remaining in this court, whereby it is certified for the King that there has been and is a yearly rent of £4 going out of the lands and tenements of Sir Thomas Gerrarde, in Wyndyll [Windle], for the maintenance of a priest to have continuance for ever within the Chapel of Wyndill [Windle]: which rent was always so used within five years next before the making of the said "estatute," whereby the King is now entitled to the said rent, without that that the said rent has been paid by the ancestors of the said Sir Thomas Gerrard to a priest, at their will and pleasure, &c., &c.

THE KING *versus* SIR ROBERT LANGLEY, KNIGHT, AND OTHERS,
re SURVEY OF CHANTRY LANDS, COAL MINES, SLATE
 QUARRIES, &c., IN HASLINGDEN WASTE,
 BURNLEY, AND ELSEWHERE.

Vol. lxi.
 [Calendar 13.]
 R. 2.
 6 Edward VI.
 [1552-53.]

COMMISSION dated 28th November, 6 Edward VI. [1552], directed to Sir Robert Langley, Knight, Thomas Carns, Robert Holte, Edmund Assheton, and John Bradyll, Esqrs., and Richard Greneakers, gent., commanding them to survey divers lands, mines, and quarries in the county of Lancaster, and to certify the value thereof.

R. 2. b. Certificate of said Commissioners.

At Haslyngdeyne [Haslingden], 20th December, 6 Edward VI. These lands and mines underwritten surveyed and valued by us, Robert Langley, Knight, &c.

First, the slate mines or "delfes" on the King's waste ground or common in Haslyngden [Haslingden], Rossyndale [Rossendale], Frerehill, and Ballydeyn, wherein slate stones are got, whereof the King is answered of no rent. They are scarcely worth letting by the year for 20s., because there is slate enough to be had near adjoining on other men's lands, and because it is in a "wyld savage contrey ferre from any habitacon."

Item. The tenement and a barn and garden called Cowden Broke, and eight acres of land, four acres of pasture, and two acres of meadow, with common and pasture and turbary thereto belonging in Burneley, now in the occupation of John Catterall and John Wytaker, being copyhold land held of the King's manor of Ightynhyll [Ightenhill]. They pay yearly to his Majesty for the same, by the hands of the grave of Ightynhill, 4s. 4d., and to a priest, 20s. yearly for his life. The said tenement and lands are "dere Rented" and worth no more.

Item. A tenement in Cleveger [Cliviger] of freehold land called the Haven, (?) containing one house and garden, one-and-a-half acres of arable land, and one other small parcel of land containing a "garthestyd"¹ late in the tenure of Raynald Tatfſall, with common of pasture and turbary belonging to the same. He pays yearly for the same, 10s. to a priest for term of his life, and it is worth no more.

Item. One other tenement in Cleveger [Cliviger], of freehold land called Saughen Hoyles, containing a house and three acres of pasture and arable land, with common of pasture and turbary thereto belonging, in the occupation of Nicholas Heype. He pays yearly 10s. for a priest for term of his life, whereof the King was never answered, and it is worth no more.

Item. A cottage and a shepecote of freehold land in Worstorne and Hurstwood, and three roods of arable land in the occupation of Robert Robert, "oderweyes" called Robert Eydez, with common of pasture and turbary pertaining to the same. It is worth by year 3s. 4d., whereof the King was never answered.

Item. One close of pasture called Higham Paroke, *alias* the old parocke, being copyhold land as of the manor of Ightynhyll; which said close is now severed into three or four parcels in the tenure of John Croukshawe and Robert Crowkshawe, lies in the forest or chase of Pendull, contains four acres and is worth by the year 10s.

¹ A garthe is a small yard or bit of enclosed land.

Item. One parcel of freehold land containing one acre in Brunley [Burnley] and Hapton in the tenure of Hughe Halsted, which was parcel of a chantry at Brunley [Burnley], and certified in the last certificate by Thomas Carns, Rauffe Assheton, Esqrs., and others. The priest has been answered by year, 2s. 4d., and it is very "dere rented."

Item. Half-an-acre of copyhold land whereupon a chapel stands called Eytenfeld Chappell [Edenfield], not as yet fined for, and is worth yearly, both the said Chapel and the ground, 12d.

Item. One cottage in Brunley [Burnley], and a garden in the tenure of Jenett Baſsbye, widow, of the yearly rent of 12d. It is worth no more.

Item. One tenement in Reade of freehold land in the tenure of Beatrice Seller, to wit, one house, one garden, and other out-houses, twelve acres of pasture, eight acres of arable land and four acres of meadow, with common of pasture and turbary thereto pertaining: which said tenement answers yearly 40s., whereof goes out a joint annuity for terme of life to Robert Nowell and Laurence Nowell, of the yearly value of 26s. 8d. The residue is yearly answered by the tenant at "Martilmas" to two priests, one at Brunley [Burnley] and the other at Whalley.

Item. Robert Hyndley holds one house, one barn, two out-houses, one garden, eight acres of pasture, ten acres of arable land, one acre of meadow, and two acres of underwood, with common of pasture and turbary thereto appertaining: which said lands are in Fernehalghe, in the township of Broughton, in the county of Lancaster, lately belonging to the Chantry at Fernehalghe, and valued at 21s. yearly.

Item. William Walsheman holds one house, one barn, and two out-houses, one garden, four acres of arable land and two acres of wood and underwood for hedging in Fernehalghe, in the township of Broughton, pertaining to the said Chantry, valued at 12s. by the year.

Item. William Syngleton holds one house, one barn, one out-house, one garden, five acres of arable land and pasture, and one

acre of wood and underwood for hedging, valued at 7s. by the year, lying in Fernehalghe, and lately belonging to the Chantry of Fernehalghe.

Item. John Garstang holds one garden, four acres of arable land, two acres of pasture, and two acres of meadow, lying in Whittell-in-the-Woods, in the county of Lancaster, late parcel of a Chantry at Leyland, rated at 13s. by the year.

Item. Hugh Croke holds one house, one garden, and two acres of arable land in Whittill-in-the-Woods, belonging to the said late Chantry, rated at 6s. 8d. by the year.

Item. Richard Monke holds one house, one garden, three acres of pasture, and one acre of arable land in Whittill-in-the-Woods, belonging to the said late Chantry, rated at 10s. by the year.

William Garstan holds one acre of pasture and one acre of arable land in Whittell-in-the-Woods belonging to the said Chantry, rated at 3s. yearly.

Item. James Pylkyngton holds one house, one garden, and half-an-acre of land in Whittell, belonging to the said Chantry, rated at 3s. 10d. by the year.

James Moresby holds one house and one garden in Whittill, belonging to the said Chantry, rated at 2s. yearly.

Nicholas Alredd holds one house and one garden in Whittyll, belonging to the said Chantry, rated at 3s. by the year.

Richard Grenehalghe holds one close of pasture containing two acres in Whittyll, rated at 2s. 6d. a year.

William Merley holds one garden in Whittell, rated at 6d. a year.

COAL MINES.

Item. There are certain places in the King's waste grounds of Symondston [Simonstone], in the county of Lancaster, and also in the King's Forest and Chace of Penhull [Pendle], where coals may be "gotten," rated at 13s. 4d. a year.

Robt. Langley, K.	John Braddyll.
Ed. Assheton.	Ryc. greneacres.

ELIZABETH JONES, WIDOW, AND ANNE ROBERTS, OTHERWISE
CALLED ANNE STANDISHE, EXECUTORS OF THE WILL OF
RICHARD STANDISHE, PARSON OF STANDISH, DECEASED,
versus JAMES STANDISHE AND RICHARD LATHUME,
re TITLE TO GOODS AND CHATTELS AT
STANDISH AND ELSEWHERE.

To the Right Hon. Sir John Gate, Knight.

Vol. xxix.
[Calendar 7.]
J. 4.
7 Edward VI.
[1553.]

ELIZABETH Jones, of the City of London, widow, and Anne Roberts, *alias* Anne Standisshe, of Thornton, in the county of York, widow, executors of the will of Richard Standishe, late parson of Standishe in the county of Lancaster, complain that whereas the said Richard by his will dated the 4th May, 6 Edward VI. [1552], made plaintiffs his executors, and afterwards died in Warwycke Lane in the City of London, possessed of divers goods and chattels. Now so it is that 34 wethers of the said goods have casually come into the hands of Jamys Standisshe of Duckesbury [Duxbury], in the county of Lancaster, Esq., and six oxen have come into the possession of Richard Lathume of Parbolde in the said county, Esq., which said goods the said Jamys Standyshe and Richarde Lathume convert to their several uses, and claim the same as their own.

Forasmuch as plaintiffs do not know the price of the said goods, nor the "certain markes and tokens" of the same, and because they are not able to perform the will and bequests of the said Richard Standishe by reason of the withholding of the same, and moreover because Jamys Standishe and Richard Lathume are gentlemen of great power and worship within the said county of Lancashire, and plaintiffs very "pore and estrange," they pray that writs of Privy Seal may be directed to the said James and Richard commanding them to appear and make answer.

J. 4. a. Writ dated 11th May, 7 Edward VI. [1553], addressed to John Longtre and Hugh Anderton, Esqrs.

J. 4. b. We, the said John Longtre and Hugh Anderton did call before us the said James Standyshe, the 8th day of June [1553], at Chorley, and took his answer, which we herewith send.

John Longtr. Hugh Andⁿton.

The answer of Jamys Standissh, Esq.

Defendant says the said matter ought to be determined at the common law used within the County "Palantyne" of Lancaster, whereunto he prays to be remitted.

It is quite true that the said Richard Standisshe was "very" owner of the said "whethers and shepe" mentioned in the said bill, and that he being in Lancashire about the feast of St. Michael next before his death and being a very near kinsman to defendant, and also in consideration that defendant had been put to great costs without any recompence at all about such necessary business as the said Richard Standisshe had in the county, gave the sheep to him in this manner, to wit, if the said Richard happened to come into the county the following summer, then he should "do his pleasure" with the said sheep, but if he did not come, then he was to take the sheep for his own. Soon afterwards the said Richard Standisshe "repayred upp" to the City of London and died there in the following May, by reason whereof defendant kept the said sheep as it was lawful for him to do; without that that the said 34 "whethers" casually came into the hands of defendant, &c., &c.

JOHN CARYLL, ATTORNEY GENERAL OF THE DUCHY, *versus*
EDMUND GEE, *re* CLAIM TO TONNAGE OF WINES, &c.,
AT LIVERPOOL HAVEN.

*Information exhibited to this Court by John Caryll, Esq.,
Attorney of the Duchy of Lancaster.*

WHERE the King's officers of butlership within the county of Lancashire, and the officers of his noble progenitors, Dukes of Lancaster of the said office, time out of mind of man, have used and ought from time to time to seise to the King's use of every person who brought or caused to be brought ten tuns of wine or more in one ship or vessel and being under twenty tuns into any haven or creek within the said county being bought in

Vol. xxxi. N. D.
[Calendar 9,
N. D.]
C. 10.
C. 10. a.
Edward VI.

parts beyond the seas, one tun out of the said ten or more tuns ; and also of every person who brought into the said havens twenty tuns of wine or above, two tuns of the same : Now so it is that Edmund Gee of the City of Chester, merchant, about the 12th day of March, 37 Hen. VIII. [1546], caused about sixty tuns of wines, which he had bought in parts beyond the seas, to be discharged into the haven of Liverpool, at which time Sir Alexander Radcliff, Knight, then holding the said office of butlership by Letters Patent, demanded of the said Edmund Gee two tuns of wine (parcel of the said threescore tuns) to the use of the King, but this he then and there flatly refused, and still refuses to do, contrary to the said usage.

Likewise the said Edmund Gee, about the feast of the Purification last, caused four tuns of wine which he had bought abroad to be brought into the haven of Liverpool, and there sold the same, whereof his Majesty ought to have had two tuns, which the said Gee will not deliver.

Plaintiff prays that process may be awarded against the said Edmund Gee, commanding him to make answer.

C. 10. b.

The answer of Edmund Gee.

Defendant says that he being joined with one Lopy de Ruttea a Spaniard, that "if the said Spaniard did," at his own adventure bring seventy-five tuns of wine and deliver the same to defendant at the havens of Liverpool or Chester, he would at the time of the delivery thereof give to the said Spaniard for every tun a certain sum of money agreed upon between them, which said Spaniard brought in that manner seventy-five tuns to the haven of Liverpool, and there entered the same with the King's Customer as his own proper goods, and paid custom to the King's use for the same wine, as plainly may appear by the said customer's book. Afterwards the said Spaniard sold the wines to defendant, but the King ought not to have any prisage thereof, forasmuch as they were the goods of the said Spaniard, and brought into this realm by him, without that that the King's officers time out of mind ought to take to the King's use, &c., &c.

DUCHY OF LANCASTER. DECREES AND ORDERS.

EDWARD VI. VOL. 8, FO. 116.

Whereas there was information given to this Court by John Caryll, Esq., Attorney of the Duchy of Lancaster, that Edmund Gee, of the city of Chester, merchant, about the 12th day of March, 37 Henry VIII. [1546], caused about sixty tuns of wine which he had bought abroad to be brought into the haven of Liverpoole, at which time Sir Alexander Ratcliffe, Knt., occupying the office of butlership, demanded of the said Gee two tuns of wine, parcel of the said sixty tuns, to the King's use, which he refused to pay. The said Gee in his answer to the said information said that he bargained with Lopy de Ruttea, a Spaniard, to the effect that if he, at his own adventure, would bring seventy-five tuns of wine to the havens of Liverpool or Chester, the said Edmund Gee would give him a certain sum of money for each tun. This the said Lopy did and paid strangers' custom for the same as his own proper goods, he being a mere stranger. Afterwards he delivered the said wine to defendant, who denies that he brought the same into the said haven or bought it in parts beyond the seas.

A Decree
for
Edmund Gee.

Now forasmuch as it appears to the Court that the said wines were brought in by the said Spaniard as his own goods, and that the King's custom was paid thereon, and that therefore the King ought to have no prisage of the said wines. It is therefore ordered that the defendant shall be dismissed out of the Court and shall be discharged of the said information.

SIR THOMAS GERRARD, KNIGHT, SHERIFF OF LANCASHIRE,
versus JOHN TAILLOR AND OTHERS, *re* ASSAULT
 AND DISTURBANCE IN HAWKING IN
 HAYDOCK LORDSHIP.

To the Right Hon. Sir John Gate, Knight.

Vol. xxxi. N.D.
 [Calendar 9,
 N.D.]
 G. 2.
 Edward VI.

SIR Thomas Gerrard, Knight, Sheriff of Lancashire, complains that where he on the 25th day of January last was riding from the house of Sir John Atherton, Knight, towards his own house called the Shaye in the county of Lancaster, and as plaintiff and six of his men were travelling in the highway within the town and lordship of Haydocke in the said county, having with them one "Goshake" [Goshawk], it chanced plaintiff to find a heron in the said highway, at which he let his hawke fly and at the same flight killed the said heron. And so it is, that plaintiff then taking up his said hawke, John Tayllor, John Kenyan, Henry Taillor, Thomas Rothwell the elder, Nicholas Rothwell, John Dewhurst, Thomas Rothwell the younger, Richard Madocks, Robert Mosse, and sixteen or more other riotous persons very suddenly and in a most terrible manner unlawfully assembled themselves together in Haydocke, and then and there in most cruel manner came running to plaintiff and his servants, and the said John Taillor being the chief captain amongst them, menaced them with most spiteful words, saying that if he would not quickly take up his hawke and get away with his company, he would at once kill the hawke. Plaintiff, seeing that the said persons were in a great rage, and thinking that their purpose was either to beat or murder him and his servants, tried to persuade them with gentle words to depart, telling them that he was the King's Sheriff of the shire, and requiring them in the King's name to disperse; whereunto John Taillor answered: "Gett the from hence for I passe not neyther for the Kinge nor for the." Then plaintiff, being much amazed, "aftsones" commanded the said rioters in his Majesty's name to go away, and being in great danger of his life escaped without any bodily hurt, leaving the rioters standing together, as he was not then able to apprehend them.

If condign punishment be not speedily imposed, plaintiff will not be able hereafter to execute his office when occasion shall require; he therefore prays that Letters of Privy Seal may be directed to the said John Tayllor and others, commanding them to appear and make answer.

To answer in the quindene of Easter.

The answers of John Tayllor and Thomas Rothewell the "yonger," two of the defendants. G. 2. a.

Defendants say they are not guilty of any riot, unlawful assembly, force and arms. If the matters contained in the said bill were true, as they are not, the King by his most gracious liberal and free general pardon has pardoned and released the same, without that that the said John Tayllor said or "thought to sey" the words, &c., &c.

The answers of James Webster and Thurstan Pyke. G. 2. b.

Defendants also say they are not guilty of any riot or unlawful assembly, &c., &c.

OTTEWELL HYNDLE *versus* RICHARD ORMERODDE, RICHARD
BANESTER, AND OTHERS, *re* ABDUCTION OF AN
HEIRESS AT BLACKBURN AND ACCRINGTON.

To the Right Hon. Sir William Pagett, Knight.

OTTEWELL Hyndle, of Oswoldewyssyll [Oswaldtwistle], in the county of Lancaster, yeoman, complains that where John Ormerodde of Wolfendenboyth, within the wapentake of Blackburne, in the said county, was seised of one messuage and certain lands and tenements thereto belonging, within the said wapentake and parcel of the King's manor of Accrington; which said premises the said John Ormerodde held to him and his heirs by copy of court roll, according to the custom of the manor, at the will of his Majesty. After the death of the said John the premises descended to Agnes Ormerodde as sister and next heir of the said John, she being then under the age of 9 years, by reason whereof the custody of the said Agnes as well as the said

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H. 20.
Edward VI.
[1547-48.]

lands belong to plaintiff as "garden [guardian] in socage," because plaintiff is cousin and next of kin on her mother's side to the said Agnes, that is to say, brother of Lettys Hyndyll, mother of the said Agnes. Now so it is that Roger Ormerodde, Richard Ormerodde, and Oliver Ormerodde, uncles and next heirs of the said Agnes on her father's side, to whom the said premises may descend, have now by the commandment of Richard Banester, of Altham, Esq., and Roger Coweuppe, seised the body of the said Agnes into their custody, contrary to the custom of the said manor and to the great peril of the said Agnes.

Although plaintiff has complained to the King's steward of the said manor of Accrington, who commanded the said persons to deliver the said Agnes to him, yet they refuse so to do; therefore he prays that Letters of Privy Seal with an Injunction may be directed to the said Richard Ormerodde and others, commanding them to give up the said Agnes and her goods at once to Richard Greneaker, gent., deputy steward of the said manor, who will then take further order in the matter.

Make an Injunction according to the tenor hereof.

SIMON HADDOK AND JANE HIS WIFE, *versus* RICHARD TOWNLEY,
re ABDUCTION OF AN HEIRESS AT HURSTWOOD,
 IN BURNLEY.

To the Right Hon. Sir John Gatys [Gate], Knight.

Vol. xxxi. N.D.
 [Calendar 9,
 N.D.]
 H. II.
 4 Edward VI.
 [1550-51.]

SYMOND Haddok and Jone his wife, complain that where one George Armorodd¹ was seised in his demesne as of fee of one messuage and thirty acres of land with the appurtenances of one messuage and thirty acres of land with the appurtenances in Hurstwood, in the parish of Burneley [Burnley], in the county of Lancaster, parcel of the Duchy of Lancaster, and held the same of plaintiffs by homage, fealty, escuage, and 3s. 1½d. of rent, in right of the said Johanne: of which said services and rent the plaintiffs were seised by the hands of the said George Armorod as by the hands of his "verye tenant," that is to say, of

¹ Armorodd should be *Ormerod*.

the homage, fealty, and escuage as of fee and right, and of the said rent in his demesne as of fee in the time of "pays," in the time of King Henry VIII. After the death of the said George the said premises descended to John Armorodd, who was then aged about 12 years, the body of which said John plaintiffs did seise and had him in their custody as their ward. The said John died while in their wardship and then the said premises descended to Agnes Armorodd as sister and heir of the said John Armorodd, who is within age, that is to say about 12 years old: Now so it is that Barnard Townley, on the 20th day of July, 4 Edward VI. [1550], seised the body of the said Agnes at Altam [Altham], and by the "mayntenaunce and beryng" of Sir Richard Townley, Knight, took her out of plaintiffs' possession, and there married her, although she was only about 10 years old, contrary to the laws, to plaintiffs' great loss.

As the said Sir Richard Townley, Banaster, and Hyndell [not mentioned before] are men of great power, having many kinsmen and friends in the said county, and plaintiffs are "but meane persons, having small fryndes," they pray that Letters of Privy Seal may be directed to the said Ric. Townley, Ric. Banaster, and Ottewell Hyndell, commanding them to deliver up the body of the said Agnes immediately, or to shew cause why they will not so do.

JAMES PARTYNGTON AND RALPH PARTYNGTON, EXECUTORS OF
THE LAST WILL OF WILLIAM PARTYNGTON, *versus* GILES
PARTYNGTON, *re* TITLE TO SHOPS IN MANCHESTER.

To the Right Hon. Sir William Pagett, Knight.

"[I]N most humble maner and wyse shewythe and complayneth" Vol. xxxii.
Jamys Partyngton of Tydysley [Tyldesley], in the county of [N.D.]
Lancaster, "marcer," and Rawfe Partyngton his brother, sons of [Calendar 10,
William Partyngton of Tydysley [Tyldesley] aforesaid, "marcer," N.D.]
deceased, and executors of his will, that where Margett Ratclyffe P. 13.
of Manchester, widow, late wife of Jamys Ratcliffe, gentleman, Edward VI.

deceased, and divers feoffees seised to the use of the said Margett of two shops within the town of Manchester, in the said county, for the term of her life, "dudd" by their writing dated the 2nd day of December, 24 Henry VIII. [1532], demise and to farm let to the said William Partyngton, deceased, the said two shops, being within the house of the said Margett, and next adjoining a burgage or tenement in the tenure and holding of Jamys Shalcros: To hold to the said William for divers years yet unexpired, with a promise that if the said Margett died within the said term, then the lease and term to be void, by reason of which lease the said William was lawfully seised of the premises as of his own proper "cattell." The said William made plaintiffs executors, by force whereof all his chattels as well real as personal, ought to come to them at his death: Now so it is that Gyles Partyngton, plaintiffs' brother, of his most "ungodlye perverst crwell wycked mynde and purpose," has kept and still keeps obstinately and with force of arms, possession of one of the said shops, he having no just right or title to the same, the said Margett being yet alive.

Inasmuch as plaintiffs have never had any real or actual possession of the premises since the death of their father, they have no remedy at the common law, and even if they had they are too poor to "sue and attente" it; they therefore pray that Gyles Partyngton being present in court, may be commanded to make answer.

P. 13. a.

The answer of Gyles Partyngton.

Defendant says that the said William Partyngton, his father, was lawfully possessed of the said two shops for the term of certain years, and in his lifetime agreed that defendant should have and occupy one of the shops to his "moost commodyte and proffytt," and never demanded any rent from defendant at any time. Defendant therefore kept the said shop, thinking that his father had given it to him during all his (the father's) term and interest therein, and has also kept it ever since his father's death, as is lawful for him to do, without that that defendant obstinately and with force withholds the possession of one of the said shops from plaintiffs, &c.

WILLIAM RATCLIF AND ELIZABETH HIS WIFE, *versus* ROBERT
HULME *re* TITLE TO DWELLING HOUSE AND FORCIBLE
ENTRY MADE BY DEFENDANT, AND ASSAULT
IN MANCHESTER.

INTERROGATORIES to be ministered to Thomas Cropper,
Elys Costerdyne, Edmund Blymeley, and John Barne, on
the part of William Ratclif and Elizabeth his wife.

Vol. lxii.
[Calendar 1.]
R. 2.
1 Mary.
[1553-54.]

8th June, 1 Mary [1554].

Thomas Cropper, of Manchester, in the county of Lancaster,
“wever,” aged about 51, examined at Westminster the day and
year above written, says that he was in the dwelling house of the
said Nicholas Wryght, in Manchester, on the 16th of November
last.

R. 2. a.

George Holme, brother of Robert Holme, came to deponent
and desired him to go to the said house with him and drink
a “penye worthe of alle” with his brother Robert, but the said
Robert did not appear all the time deponent was in the said house.
The said George desired deponent to help to open the door where
his brother Robert was, and deponent did so.

Deponent had no bar of iron with him whilst in the said house.
There were also there on the said day, Edmond Blomeley, John
Barne, Elys Costerdyne, John Bradshawe, and Nicholas Wryght,
but by whose command and for what reason deponent knows not.

Did not know that Robert Holme intended to enter into the
house wherein William Ratcliffe now dwells in Manchester.

Deponent was in his own house at “worcke” when such entry
was made.

The said Robert Holme and Hugh Burdeman entered into the
house of the said Ratclyffe on the said 16th November, but what
weapons they had deponent knows not.

When deponent and Edmund Blomeley came to the house,
the door was locked and closed up. Deponent only went there
“apon the cry that was made yn the Strete,” and to see that there
was no harm done.

The said Robert Holme commanded them to open the door for fear that murder or hurt should be done in the house, so they opened it with a bar of iron, but whether the said bar was in the house of Nicholas Wright before they opened the door deponent knows not.

Immediately after the door was opened, deponent, Edmund Blomeley, with divers others whose names deponent knows not, went into the house wherein William Ratclyffe now dwells.

The said Elizabeth resisted all who went into the said house, but she was "caste downe," and deponent and Ellys Costerdynne picked her up, and nobody there said anything to them. All who went in "vsed them selffes no other wyse but well as hyt dyd be come them to do."

The said Elizabeth was then "grett w^t chylde," but whether she was ill or in danger of her life by reason of the said business deponent knows not.

R. 2. b.

Elys Costerdynne, of Manchester, in the county of Lancaster, shoemaker, aged about 40, says that he was at Nicholas Wright's house in Manchester, but whether it was the 16th November last he knows not. Neither the said Robert Holme nor any other person "procured" him to the house. He had no bar of iron with him while there.

Deponent was either in the fields or in his own house when the said Robert entered the house wherein Ratclyffe dwells, but he afterwards went there at the desire of George Holme, brother of the said Robert, who desired deponent, Edmond Browneley, and others to open the door for safeguard of the said Robert's life, which they did with a bar of iron which was "fett" out of Edmond Blomeley's house and not out of the house of the said Nicholas Wright. Deponent and others went in directly the door was opened, but they did not break open any other door.

R. 2. c.

Edmond Blomeley, of Manchester, in the county of Lancaster, aged about 38, was in the house of the said Nicholas, but not by the procurement of anybody.

Was in his own house at the time of the said entry.

JAMES BROWNE *versus* WILLIAM REVE, ROGER RYLONDES,
WILLIAM PENDLEBURY, AND OTHERS, *re* TITLE TO
MESSUAGES, &c., IN WEST HOUGHTON.

To the Right Honorable Sir John Gates, Knight.

JAMES Browne of Westhaughton [West Houghton], in the county of Lancaster, complains that where he is lawfully seised in his demesne as of fee of the manor of Westhaughton, in the county of Lancaster: So it is that William Reve, Roger Rycroft, and William Pendylbury of Westhaughton, about 20th January last, having unlawfully assembled themselves together, accompanied by six riotous persons, at Westhaughton, entered into two messuages and one hundred acres of land, meadow and pasture, parcel of the said manor, and have ever since kept the same with great force from plaintiff, claiming the same as their own inheritance, by reason of a feigned custom they call tenant right.

Vol. lxiii.
[Calendar 2.]
B. 4.
1 Mary.
[1553-54.]

Prays that Letters of Privy Seal may be directed to the said William Reve and others, commanding them to make answer.

Trinity term, 6 Edward VI.

Hereupon a Privy Seal to William Reve and others to answer in the Octaves of Trinity next.

To the Right Hon. Sir William Pagett, Knight.

James Browne of Westhaughton [West Houghton] complains that where he is seised in his demesne as of fee of two messuages and sixty acres of arable land, meadow and pasture, in Haughton, in the county of Lancaster, and one parcel of land containing eight acres in Preston in Amounderness, in the said county: Now so it is that divers evidences concerning the premises have come into the possession of William Reve, David Penyngton, Thomas Kerslaye, and James Walton, who by color thereof have now of late entered into the said premises and taken the profits thereof to their own use.

B. 4. a.

Prays for Letters of Privy Seal.

Mich. term, 5 Edward VI.

Hereupon a Privy Seal to William Reve and others to answer in the quindene of Hilary.

B. 4. b. The answer of Roger Rylans [Rylands] one of the defendants.

Defendant says that Roger Pendylbury is lawfully seised of one tenement and two acres of land, meadow and pasture, in Westhaughton, in his demesne as of fee simple or fee tail, and that the said Roger and all whose estate he has in the said premises have been used to take, and have time out of mind sufficient common of pasture in the *said waste mentioned in the said bill* [there is no waste mentioned there] for the beasts and cattle of them, their tenants and farmers, and also common of turbary for their fuel to be "brent and spended" in the said tenement. Defendant being tenant and farmer of the said tenement to the said Roger, used the said common of pasture and turbary in peaceable manner as lawful was for him to do, without that that divers evidences concerning the said waste ground have come into defendant's hands, and without that that defendant enclosed any part of the said waste ground.¹

B. 4. c. The answer of William Pendylburye, one of the defendants.

Defendant says that Nicholas Pendylburye, his father, was seised of one messuage and eighteen acres of land, meadow and pasture, thereto belonging, lying in Westhalghton, parcel of the premises mentioned in the said bill, for 19 years commonly called the "townes terme," he paying therefor yearly to the Abbot of Cokersand 14s. 10d.

After the death of the said Nicholas defendant was admitted tenant for the residue of the said 19 years, about 34 years ago, and paid therefor two pence, that is to say, one penny called an "Earnest peny or Goddes peny," and another commonly called an "entre peny," by force whereof defendant entered into the same and has spent in building, marling, and other husbandry upon the said tenement £20 at the least.

In Trinity Term, 21 Henry VIII. [1529], upon variance depending in this Court between the said Abbot of Cokersand on the one part and the tenants of Westhalghton [West Houghton] on the other, it was "compromitted" by the consent of both parties,

¹ This answer appears to refer to some matters not named in the Bill.

by reason whereof it was ordered that divers things should be performed by both parties: the tenor of which decree defendant has ever performed and will be ever ready to perform and therefore prays that plaintiff may be compelled to fulfil his part of the agreement.

When the said term expired defendant went to plaintiff, then his landlord, at Ince in the county of Lancaster, about 9 or 10 years ago, and desired to be admitted tenant of the said tenement, and was so admitted for 19 years, which term is yet unexpired. Defendant has paid the fines and rent and has enjoyed the said premises for about 34 years.

The answer of David Penyngton and Thomas Kersley.

B. 4. d.

Defendants say that about nine years ago plaintiff in consideration of £12 paid to him by the said David, demised one messuage and thirty acres of land in the tenure of the said David, parcel of the premises mentioned in the said bill, to defendant for divers years yet to come, he paying a yearly rent for the same.

About six years ago, plaintiff, in consideration of 8s. paid to him by the said Thomas Kysley, defendant, demised to him one messuage and eight acres of land, in the tenure of the said Thomas, parcel of the premises mentioned in the said bill, for divers years yet to come, he paying a yearly rent to plaintiff for the same.

Defendants say that plaintiff is very "covetous combersome"¹ Insacyable and extreme" with his tenants and farmers, as well in taking of fines and otherwise contrary to the tenor of the said decree made with the consent of the said Abbot of Cokersand, then Lord of the manor of Westhaughton, and the said tenants.

The replication of James Browne to the answer of Roger Rylondes.

B. 4. e.

Plaintiff denies that Roger Pendilburie is seised of one tenement, &c., in Westhaughton [Westthoughton], and that he had common of pasture and turbary there, &c., &c.

¹ Combersome, an old word meaning troublesome.

B. 4. g. The replication of James Browne to the answer of David Penyngton and Thomas Kersleye.

Plaintiff says that the said David wrongfully withholds from him the said messuage specified in the said bill, late in the holding of Blynstons, besides the said messuage, tenement, and thirty acres named in the said answer.

Denies that he let the first named tenement to defendant, or one tenement and eight acres of land to the said Thomas Kersley, defendant.

Plaintiff denies that he is covetous, but says that defendants being "troubulous persons," given to much unquietness and having very perverse counsel, not only vex and trouble plaintiff extremely, but also very vainly spend their money and impoverish themselves and divers others of plaintiff's tenants in Westhaughton [West Houghton] without any just cause.

B. 4. j. Commission dated 30th November, 1 Mary [1553], directed to Alexander Barlowe, John Wrightington, Esqrs., and Hugh Diconson and William Stopforth, gents.

B. 4. m. Depositions taken at Westhaghton, 12th January, on behalf of plaintiff.

Jone Macon, widow, aged about 60, tenant to plaintiff, says that Roger Rylandes has occupied a parcel of the waste of Westhaghton, to the quantity of about half-an-acre, and that Nicholas Macon, deponent's late husband with the licence of the Abbot of the late Monastery of Cokersande, more than 30 years ago enclosed the said parcel of ground. Deponent and her said husband occupied the same, built a house there and paid the yearly rent of 16d. to the said Abbot until about 13 years ago when plaintiff gave the same to Roger Rylandes, defendant.

The said defendant paid to plaintiff 2s. yearly the two first years he occupied the said premises, by the hands of Rauffe Browne, his brother, who was then his bailiff.

The said Rylands, defendant, and others, by his means took down the said house that stood upon the said "emprowmente," and Thomas Longton, Knight, then farmer of the said manor of

Westhaghton, caused another house to be built on the same, wherein deponent now dwells and pays the yearly rent of 12d. for the same to plaintiff.

Rauffe Browne, gent., aged about 53, as above.

Rogger Rycroft, aged about 50, and William Reve, aged about 40, tenants to plaintiff. The said Roger says that about six years ago he, being bailiff to plaintiff, went to the said Rylandes for the rent of the said "emprowment," and as he would not pay it deponent "strayned" the said Rylandes and took a heifer. The next day the said Rylandes brought the rent and said he would have paid it without distraining, but that his landlord Robert Pendelbery commanded him not to pay it: he therefore begged to keep it "counceyll," for if his landlord heard of it he would lose his farmhold.

Plaintiff brought an ancient roll in parchment, wherein it was contained that on the day following the feast of St. Martin in Winter, 1286, Robert, the son of Roger Pendelbury, gave to the Abbot of the said late Monastery and his successors all the right and claim he then had or at any time after should have in all the waste, wood and pasture within the town of Westhaghton.

James Leghte, aged about 30, says that he, at the desire of defendant, desired Rauff Bradshagh, Esq., then his master, to entreat Rowfe Browne, brother and bailiff to plaintiff, to allow him (defendant) to continue his tenant. Deponent was present at Hagh when the said Rauff Browne, at the instance of his said Master, Rauff Bradshawe, received 2s. of defendant for one year's rent.

William Rycroft, aged about 47, tenant to plaintiff, says that David Penyngton has had, and now has in his tenure, two whole messuages and two half messuages within the lordship of Westhaghton [West Houghton].

The said David Penyngton has only paid 41. 8d. a year for all the said premises, whereas the old accustomed rent for the dwelling house is 34s. 4d. and some capons; for another tenement called Lowtones house, 7s. and one capon; for one half tenement sometime in the holding of one Wodewarde, 5s. and

one capon ; and for one half tenement sometime in the holding of Sicely Platte, and now called Blynstones, 3s. 4d. and one capon, so that he has concealed since plaintiff was owner and farmer of Westhaghton, 8s. by the year.

Defendant has an old rental of the whole manor of Westhaghton [West Houghton], which deponent has seen him show, but it has not come to the hands of plaintiff.

The said David is "behynde vnpayed for xiiij yeres and a halfe, every yere viijs., excepte xl. vjs. viij*d*., which he has paid to plaintiff as parcel of the said arrerages."

Peter Johnson, aged about 40 ; William Reve, aged about 40 ; Rogger Rycroft, aged about 50 ; James Laythewayte, aged about 36, tenants to plaintiff, depose as above.

William Rycroft, aged about 47, and James Laythewayte, aged about 36, tenants to plaintiff, were both present when the said William Pendelbury knelt before the Earl of Derby, at Knowsley, and besought him to ask plaintiff to let him have the farmhold wherein he now dwells. They were also present several times when the said William made "sute" to plaintiff for his farmehold, saying that he would pay to him any reasonable sum for the same, and that he was very sorry that he had troubled plaintiff by offering him 2*d*.

Peter Johnson, aged about 40, tenant to plaintiff, was present when defendants, Thomas Kerseley and David Pennington, came to plaintiff at Master Chelsames in Iremonger Lane, London, and desired him to be good master to him. Plaintiff said he would if defendant would tell him who advised him to say that he had paid 8s. in the name of a fine for his house, whereas he has paid it for arrerages of rent. Defendant said that a scholar in his house, "which was then gone to Cambrydge," gave him that counsel.

Rouffe Edge, aged about 53, was present in Westhaghton [West Houghton] when plaintiff asked Thomas Kerseley, defendant, why he had not paid his rent: he said he had paid it to Roger Rycroft, but the said Roger who was present denied it, and said there was still 8s. 6*d*. which he had not received.

Rogger Rycroft, aged about 50, tenant to plaintiff, says that at the desire of James Kerseley, plaintiff called the said Thomas Kerseley and deponent to the house of Roger Farecloth, in Westhaghton, and then the said Thomas paid to plaintiff 8s. 6d. for arrerages of rent.

Bryan Jackson, aged about 23, says that he was present two years ago when the said defendant, Thomas Kerseley, came to plaintiff's house at Brynsoppe, and kneeling before him, besought him to make him a lease of his house. Then plaintiff, at the request of his wife, gaanted a lease to defendant for life, whereupon defendant agreed to pay to plaintiff 26s. 8d. in four years, and then plaintiff at defendant's desire sent deponent to Wigan to a clerk to get the said lease drawn up, as defendant wished to have it in three days because he had to go to work in Cheshire.

James Laythewayte, aged about 36, as above.

DECREES AND ORDERS, PHILIP AND MARY, BK. II, FO. 287.

For the several matters in variance between James Browne, gent., and William Herte, Henry Herte, Robert Rogerson, Agnes Horrockes, widow, William Pendilbury, and others, tenants within the manor of Westhowghton, in the county of Lancaster, for the appeasing whereof it was ordered by this Court that a Commission shall be directed to Edward Standyshe and others to call before them the said parties and to "hiere the griffes and vnkindnes" of both parties and to examine witnesses, and to try where the causes of the said variances arise, and then by all ways they can to "travell between them to sett vnitie, concord, and quietnes" between the said parties if they can: if not, then to certify the Chancellor in the Duchy Chamber at Westminster in the of St. Michael next coming of their doing in this matter.

Inter
Jacobum
Browne q. et
tenen. de
Westhaughton
defendant.

JOHN CHADDERTON *versus* GEORGE IRELAND, *re* CLAIM TO
ARREARS OF RENT OF PARSONAGE LANDS, &c.,
AT CHILDWALL PARSONAGE.

To the Right Hon. Sir Robert Rochester, Knight.

Vol. xxxiii.
[Calendar I.]
C. 4.
1 Mary.
[1553-54.]

JOHN Chadderton of Portsmouth, in the county of Southampton, Esq., that where King Henry VIII. was seised in his demesne as of fee of the parsonage of Chyldwall [Childwall] in the county of Lancaster, lately belonging to the dissolved Priory of St. Thomas the Martyr of Holland in the said county, and now belonging to the Duchy of Lancaster: and his Majesty being so seised by indenture made between himself of the one part and plaintiff on the other, dated 10 July, 29 Henry VIII. [1537], demised to plaintiff the said parsonage and all the tithe barns, tithes, oblations and profits thereto belonging.

To hold from the feast of St. Michael next ensuing for 31 years then next following, paying therefore yearly to the King and his heirs £56 16s. 4d., by force whereof plaintiff entered into the premises. And being so seised, by indenture made between himself of the one part and Sir William Leylond, Knight, of the other part, dated 19 February, 29 Henry VII. [1538] demised and to farm let the said premises to the said Sir William: to hold from Michaelmas last past for 21 years, he paying yearly for the same £12 at the font stone in the Cathedral Church of St. Paul's in London, and also yearly to the use of the King and his heirs £56 16s. 4d.: with this condition nevertheless that if the said rent of £12 be not paid at the proper time, that then it shall be lawful for plaintiff to re-enter the said premises. The said Sir William then entered into the said premises, and one George Ireland, Esq. had his estate in all the said premises about two years ago by certain conveyances in the law.

And so it is that plaintiff at the feast of the Annunciation and St. Michael last past required the said George Irelande, then being farmer of the said parsonage, &c., to pay the said yearly rent of £56 16s. 4d., but this he refused to do, so that plaintiff for his

own discharge was forced to pay to the receiver of the said suppressed lands the said sum : and albeit also that plaintiff at the said font stone “the laste Instant of the vijth day of November” in this first year of Queen Mary [1553], being the 40th day next after the feast of St. Michael, demanded the said rent of £12 then also due to plaintiff for one whole year, but the said George Irelande replied that he was not ready to pay it, by reason whereof plaintiff has just cause to re-enter the said premises. The said George Irelande has also suffered the said tithe barns to fall into great ruin, waste, and decay, and forasmuch as he is greatly friended in the said county of Lancashire where plaintiff is a very stranger.

Prays that a writ of Privy Seal may be directed to the said George Irelande commanding him personally to appear and make answer.

“Termino Sñi Mich. A° RR Marie primo [1553].”

Hereupon Privy Seal to George Ireland to answer viij^{as} Hiñ.

DECREES OF LANCASTER. DECREES AND ORDERS.

PHILIP AND MARY, VOL. 10, FO. 48.

For the matter depending between John Chatterton and George Ireland, concerning the parsonage of Chyldwall [Childwall], the tithe corn belonging thereto, and the arrerages of certain rents thereof : forasmuch as defendant has paid to their Majesties and to the said plaintiff all the said arrerages concerning the said parsonage and tithes, the said parties and the said matter are by the consent of counsel on both sides dismissed out of this court.

Inter
John
Chatterton,
plaintiff, et
George
Ireland,
defendant.

THOMAS HOGHTON *versus* SIR JOHN HOLCROFT *re* DETENTION
OF TITLE DEEDS TO MESSUAGES AND LANDS
AT ASHTON-UNDER-LYNE.

To the Right Hon. Sir Robert Rochester, Knight.

Vol. xxxiii.
[Calendar 1.]
H. 6.
1 Mary.
[1553-54.]

THOMAS Hoghton, Esq., complains that where Sir Thomas Assheton, Knight, was seised in his demesne as of fee-tail of the manor of Assheton-under-Line [Ashton-under-Lyne], with the appurtenances in the county of Lancaster, and of 100 messuages, 20 cottages, 1,000 acres of land, 300 acres of meadow, 400 acres of pasture, 80 acres of wood, and 400 acres of moss and heath lying in Assheton-under-Lyne. The said Sir Thomas being so seised had issue by his first wife two daughters only, called Margaret and Elizabeth, and by his second wife one daughter only, called Alice. After the death of the said Sir Thomas all the said premises descended to his said three daughters as his heirs, by force whereof they entered into the said premises and were thereof seised in their demesne as of fee-tail. The said Margaret married William Boothe, Knight, and they had issue George Booth. After the death of the said William and Margaret the third part of the said premises descended to the said George Booth as their son and heir, who by force thereof entered into the same, had issue one son George and then died. Then the said third part came to the said George as his son and heir.

The said Alice married Sir Richard Houghton, Knight, and they had issue plaintiff, and afterwards the said Alice died, whereupon partition was made of the premises between the said George Booth the son and the said Sir Richard Houghton, tenant, "by the Curtesye" of one other part of the premises. The said Elizabeth had another third part, so that all the said premises were divided in severalty to the said heirs. Afterwards the said George the son died and his share of the said lands, &c., came to William Boothe his son and heir, who is under age and in the custody of the Queen. The said Elizabeth died without issue, after whose death the moiety of her share descended to plaintiff,

and the other moiety to the said William Boothe by force of the said entail. Now so it is that the evidences and deeds concerning that portion of the premises lately belonging to the said Elizabeth and the part assigned to the said Sir Richard Hougheton have come to the hands of Sir John Holcroft, Knight, "commyttee" of the body of the said William Boothe: which said evidences the said Sir John positively refuses to give up to plaintiff, although frequently requested so to do.

As plaintiff is without remedy at the common law he prays that a writ of Privy Seal may be directed to the said Sir John Holcroft commanding him to appear and make answer.

"Termino Hiñ. A° R. Marie primo. [1554]."

Hereupon a Privy Seal to John Holcroft, Knight.

Writ dated 10th June, 1 Mary [1554] directed to Sir John Atherton, Knight, and Laurence Asshall, Esq. H. 6. a.

The Certificate of John Atherton, Knight, and Laurance Asshall, Esq. H. 6. b.

We called before us the said Sir John Holcroft at the town of Lancaster, the 23rd day of August, 1 and 2 Philip and Mary [1554] and there received his answer which we herewith enclose.

John Atherton, Knight.
Lawrans Asshall.

The answer of Sir John Holcroft, Knight. H. 6. c.

Defendant says that he never had any of the said deeds, evidences or writings in his possession.

RICHARD TOWNLEY *versus* DAME FRANCES TOWNLEY, WIDOW,
ALEXANDER RATCLYFF, ROBERT REDE, AND OTHERS,
re TITLE TO SHEEP DISTRAINED AT BURNLEY,
HAPTON, AND CLIVIGER.

To the Right Hon. Sir Robert Rochester, Knight.

Vol. xxxv.
[Calendar 3.]
T. II.
1 Mary.
[1553-54.]

RICHARD Towneley Esq. complains that where plaintiff was possessed of 500 sheep as of his own proper goods: Now so it is that Alexander Ratclyff Esq., Richard Ratclyff, gent., Henry Ryley, yeoman, Edward Wylson *alias* Butler, Charles Adlyngton, Robert Shoghesmith, Robert Rede, and Alexander Lawe, with others to the number of about 400, at the special command of Dame Frances Townley, widow, late the wife of Sir Richard Townley, Knight, deceased, on the 16th day of this present month of May, 1 and 2 Philip and Mary [1555], with force and arms and without any color of title, entered into plaintiff's grounds at Brunley [Burnley], Hapton, and Clevacher [Cliviger], in the county of Lancaster, where the said sheep were then depasturing and feeding, drove away the said sheep and still detain them in their possession.

Prays that a writ of Injunction may be directed to the said Dame Frances Townley and others, commanding them not only to deliver to plaintiff the said sheep unshorn or the value of them, but also to appear and make answer.

"Fiat proessus per Injunẽ prout petitur."

T. II. a. Writ dated the 6th (?) day of June, 1 and 2 Philip and Mary [1555], directed to Sir Robert Langton, Knight, and John Kychyn, Esq.

T. II. b. We, the said Commissioners, have taken the joint or several answers of the defendant, which we certify with the said Commission and bill annexed under our seals the 17th day of September, 2 and 3 Philip and Mary [1555].

T. II. c. The answer of Robert Rede, Alex. Lowe, Henry Ryley, Edward Wilson *alias* Butler, Charles Adlington, and Robert Shoghsmythe.

The said Robert Rede and Alex. Lowe say that Sir John Atherton, Knight, Sheriff of the county of Lancaster before the supposed taking of the said sheep, commanded them to deliver to Dame Frances Townley, widow, such of her goods as were wrongfully withheld by the servants of John Townley, gent., that is to say, certain sheep with their lambs, by virtue whereof defendants went quietly to a certain place called Clevegere [Cliviger] Moor, where there were 335 sheep and 94 lambs of the said Dame Frances taken by the servants of the said John, and then and there replevied and delivered them to defendants, being servants of the said Dame Frances, and by her appointed not only to show the said sheep to defendants but to receive the same, of which said command the said defendants (Rob. Rede and Alex. Lowe) made return accordingly. The said Henry Ryley, Edward Wylson, Charles Adlyngton, and Rob. Shoghsmythe say that they were servants of the said Dame Frances, and therefore went without any weapons except such as they were accustomed to carry, repaired with the said Rede and Lowe to replevy the said sheep, as well to show them to as to receive them from the said officers, who then delivered the same to them.

The answer of Alexander Radclyf, Esq., and Ric. Radclyf, gent. T. 11. d.

Defendants say that for pastime and recreation about the time of the taking of the said sheep, they resorted to a place called Clevacher [Cliviger] Moor with their hawks on their hands to find game for the same, at which time Rob. Rede and Alex. Lawe came to them and told them that Sir John Atherton, Knight, Sheriff, had commanded them to deliver certain goods to Dame Frances Townley from her wrongfully taken, and as the said Rede and Lawe were doubtful whether any resistance would be offered they asked defendants to go with them and help them, and they with the intent of furthering the law went to a certain place on the said moor, where the said Rede and Lowe made delivery of 335 sheep and 94 lambs to Hen. Ryley, Edw. Wilson and others, servants of the said Dame Frances. Defendants are not guilty of any force and arms or misdemeanour.

T. 11. e.

The answer of Dame Frances Townley.

Defendant says that long before the taking of the said sheep she was seised of 335 sheep and 94 lambs as her own proper goods, which she supposes are the same mentioned in the bill, and was thereof quietly possessed until John Wade, Hugh Halsted, Edmund Whitehed, Richard Whitehed, Richard Sager and Thomas Jacson, about the 7th day of September, 1 and 2 Philip and Mary [1554], came to the town of Altham where the sheep were feeding, and wrongfully drove them away to a place called Cleveger, and kept them there until she had a "Replevyer" from Sir John Atherton, Sheriff of the county, directed to Rob. Rede and Alex. Lowe, two of the defendants, authorising them to deliver the said sheep and lambs to her which they did as is above recited.

RICHARD TOWNLEY, LAURENCE HABERGAM AND OTHERS, CHURCHWARDENS OF BURNLY, *versus* SIR RICHARD TOWNLEY, KNIGHT, AND OTHERS, *re* CLAIM TO RESTITUTION OF CHURCH VESTMENTS AND JEWELS OF BURNLEY CHURCH, THE CHURCH NOT BEING A FREE CHAPEL OR CHANTRY.

To the Right Hon. Sir Robert Rochester, Knight.

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[Calendar 3.]
T. 13.
1 Mary.
[1553-54.]

RICHARD Townley, Esq., Laurence Haberjam, Simon Hadock and John Parker, Churchwardens of the Parish Church of Burnley, in the county of Lancaster, on behalf of themselves and the rest of the inhabitants of the said parish, complain that where they were possessed of four bells with clappers, and iron whereby the same hung in the steeple of the said Church, three "chalesses," four "patentes" or covers for "chalesses," all of silver parcel gilt, a suit of vestments of crimson velvet embroidered with branches of gold, one cope of the same, four fine albes, four old vestments, one vestment of blue satin, two vestments for deacon and sub-deacon of the same, one cope of black velvet faced about with gold, one fine Corporax case, one hand bell, three little "sacrynge" bells, a cross of tin and gilt, two candlesticks of "Maslyn," as of

the ornaments, goods, and jewels belonging to the said Church, given for the maintenance of divine service to be said here : the which Church is distant from any other Church four miles or more, and has from time immemorial been taken for the Parish Church for the inhabitants of the said parish being about 2,000 "husslynge" people. It has always been customary to wed and bury within the said Church and to administer all kinds of sacraments according to the rites of the Church : Now so it is that Sir Richard Towneley, Knight, Francis Bolde, John Norbury, and Edward Parker about the 6th day of May last by color of a commission from King Edward VI. directed to the said Francis Bolde and others, concerning the sale of copes, vestments, chalices, &c., belonging to free chapels and chantries in the said county, without any just cause defaced and spoilt the said Church of Burneley, and took away the said bells, chalices, &c., with other jewels and ornaments there to the value of more than £120, which they still wrongfully detain, to the great wrong of plaintiffs and to the "dekayinge" of divine service. The late King was not entitled to any of the said goods because the said Church is neither chantry nor free chapel, but has time out of mind been called a Parish Church.

Plaintiffs pray that a writ of Privy Seal may be directed to the said Sir Richard Towneley and others, commanding them not only to restore the said goods, but also to appear and make answer.

"Termino S̄ci. Mich. A° R̄R Marie primo [1553]."

Hereupon a Privy Seal to *John Woodroff* [*sic*] and others to answer in the quindene of Hilary.

THE QUEEN, ON COMPLAINT OF INHABITANTS OF WALNEY ISLE,
ETC.

*To Thomas Carns, Vice-Chancellor of the County, and others, with
commission to view state of the Towns in the Island
surrounded and overflowed by the Sea.*

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[Calendar 5.]
R. 3.
1 Mary.
[1553-54.]

MARY, by the grace of God, &c., to Thomas Carns, Our vice-chancellor in Our County Palatine of Lancaster, John Preston, deputy steward there, and William Sandes, Our Receiver of Our possessions belonging to the late Monastery of Furness, parcel of Our Duchy of Lancaster. Whereupon complaint made to Our Chancellor of Our said Duchy by the inhabitants of Our Isle of Wayney [Walney], Ramesed [Rampside], Saltehouse, Marshy-graunge, Cerby Lodge [Sowerby], and Argerton Mosse, in the county of Lancaster, and also by the inhabitants of Salthowse in Cowpland, in the county of Cumberland. We are credibly informed that a great part of Our said towns being within Our said Island, adjoining the sea, about the 6th of December last [1553], by great "tempestious Rages, surges and highe sprynges" of the Sea was surrounded and "overflowed" either by the sea or sand to the great detriment of Our tenants and farmers there. We, willing to know the truth of the matter, require you to "prepare" yourselves to the said Island and there by view, examination of witnesses, &c., to find out how many acres of land, meadow and pasture, were covered by the sea, whether the same may be recovered, &c., &c.

Given at Our Palace of Westminster 10th June, 1 Mary [1554].

R. 3. a.

Certificate of the said Commissioners.

On the 30th September, 1 and 2 Philip and Mary [1554], we repaired to the Island of Wawney [Walney], within the parish of Dalton in Furnes, in the county of Lancaster, where and when it appeared to us by our own view, and also by the examination of six substantial witnesses, to wit, James Hunter, John Ronatson, Wm. Robynson, Robert Nycolson, Laurence Bolton, and Nicholas Yowdelles, that certain of their Majesties' lands, late parcel of the

said Island, and late in the occupation of Richard Rychardson, John Goweth, and John Yeattes the younger, tenants of Southends in the said Island, within the space of two years last past, were surrounded and overflowed by the sea and sand by the great "tempestuous Rages and highe sprynges of the See," to the quantity of eight acres of pasture.

Also parcel of their Majesties' lands late in the occupation of John Yeates, John Parker, Laurence Torvor, John Qwynfell, Edward Decanson, James Decanson, John Gybson the younger, Christopher Bolton the elder, Christopher Bolton the younger, William Bolton, son of John Bolton, Rowland Lange, and James Haverygge and others, being their Majesties' tenants of Bygger [Biggar] in the said Island, within the last two years, were surrounded and wasted by the sea and sand, in like manner to the quantity of five acres of arable land, one acre of meadow, and fourteen acres of pasture.

Also that parcel of their Majesties' lands late in the occupation of William Bolton, son of Christopher Bolton, George Cawsey, Alexander Gibson, William Wynwrey and others, their Majesties' tenants of Northscalle, in the said Island, with the last two years, in like manner was wasted by the sea and sand, to the quantity of two acres of pasture.

Also that parcel of land late in the occupation of Geffrey Wylde, Richard Bankes and others, tenants of Northende in the said Island, was inundated by the sea, to the quantity of four acres of arable ground and four acres of pasture.

Also the lands late in the occupation of Henry Richerdson, Richard Parke, Barnard Richardson, William Bolton, son of Nicholas Bolton, Thomas Hutton and others, tenants of Ramshedde in the said Island, were surrounded in like manner and wasted to the quantity of two acres of arable land and four acres of pasture.

Also one other parcel of land late in the occupation of Richard Hunter, William Dagger, Matthewe Hunter, the late wife of James Dagger, and others, tenants of Saltehouse in the said island, was wasted to the quantity of four acres of arable land.

Also one other parcel of land late in the occupation of Robert Herteley, tenant of Soureley Lodge in the said island, was wasted to the quantity of three roods of meadow. One other parcel of land late in the occupation of Roger Askewe and the late wife of Richard Askewe, tenants of Marshegraunge in the said Island—three acres of pasture inundated.

Other parcels of land late in the occupation of Askewe, the heirs of Percivall Woodburne, James Walleys, Nicholas Woodburn, Nicholas Richardson, Richard Shepherd, John Postlethwaite, Robert Askewe, Richard Walleys and others, tenants of Angerton Moss in the said Island—seven acres of arable land and two acres of meadow wasted.

One parcel of land late in the occupation of Thomas Decanson, tenant of Saltehouse in Cowpelande—one acre of pasture wasted, besides his houses, hedges and ditches decayed and broken down, by reason whereof his said houses must be removed to a new place.

Every acre of the said arable land so overflown was of the yearly value of 16d., every acre of meadow 2s., and every acre of pasture 8d.

It does not appear possible to us that any of the said lands can be recovered on account of the vehemence of the sea, which is continually flowing upon the said Island, so that no defence can be made against the great rages thereof.

The said tenants of Bygger have lately made 1,800 day works upon their ditches in Bygger which were broken down by the said storms. One great hole yet remains there [in Bygger] which was worn by the said storms, but which we think might be repaired for £10 in costs and timber, to make "spyls" and other things necessary to fill up the said hole.

The tenants in Southende have made 100 day works upon their ditches there.

It appears to us that "spylles" and "wyndynges," and a "sluse," otherwise called a "troughe," are very necessary to be used upon their Majesties inheritance of Saltehouse and Marshegraunge for the safeguard of the same.

John Preston. Thomas Carun. William Sandes.

PETER PRESCOTT, CLERK, PARSON OF NORTH MEOLS CHURCH,
versus JOHN FLEETWOOD, JOHN BOLD, AND OTHERS,
re TITLE TO MANNOR HOUSE AND GLEBE
 LANDS AT NORTH MEOLS.

To the Right Hon. Sir Robert Rochester, Knight.

PETER Prescottte, clerk, parson of the parish church of North Meyles [North Meols], in the county of Lancaster, complains that where he about the 12th day of September, 1 and 2 Philip and Mary [1554] was lawfully presented and inducted to the rectory or parsonage of the said parish church, then vacant by the deprivation of Laurence Waterwart, a married priest, and by force thereof was seised of the said parsonage and of one messuage called the parsonage of North Meyles, and of six other meases and certain lands and tenements containing 100 acres of land, meadow and pasture, in North Meyles, being glebe lands, in his demesne as of fee in right of the said church: Now so it is that John Fletewood, John Bolde *alias* Boode, gentlemen; William Hayward, husbandman; and the said Laurence Waterwart, of their covetous and extort power, with force and arms not only entered into the mansion house of the said parsonage and into all the glebe lands and tenements thereof and repulsed plaintiff from the possession thereof and have taken the profits thereof to their own use, but have also gathered and taken all the tithes of all manner of corn and hay and all other things titheable arising within the said parish since the deprivation of the said Lawrence, amounting altogether to the value of £20, which said deprivation took place in April, 1 Mary [1554]. Although plaintiff has often requested to occupy and enjoy all the said premises and to have the tithes and profits thereof, the said John Fletewood and others obstinately refuse to comply with his wishes.

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 [Calendar 2.]
 P. 5.
 1 and 2
 Phil. & Mary.
 [1554-55.]

Plaintiff therefore prays that a writ of Privy Seal may be directed to them commanding them to suffer him to enjoy and occupy the said mansion house, &c., and to take all the said tithes, &c., or else to appear and make answer.

"Termino S^ci Mich. A^o RR primo et secundo. Phi. et Marie [1554].

Hereupon an injunction to John Fletewood and others to answer viii^{as} HiH.

P. 5. a.

The answer of John Bolde.

Defendant says he is not guilty of any riot or trespass.

The said Laurence Waterwarde being parson of the said rectory by indenture made between himself of the one part and the said John Fletewoodde of the other, dated 2nd January, 1 Mary [1554], demised and to farm let the said rectory of North Melles [North Meols] and all manner of glebe lands, tithes, oblations, profits, &c. thereto belonging to the said John, from the feast of the Annunciation next ensuing for the term of three years, and so from three years to three years during the term of 21 years, he paying yearly for the same to the said Laurence a yearly rent of £7 9s. 8d., by force whereof the said John Fletewood entered into the premises, and so being thereof possessed by good assurance in the law, about the 26th day of September in this present year, sold all his estate, term, and interest in the said parsonage, &c., to defendant, to hold for the number and term of years then to come, who by force thereof entered into the same.

Although plaintiff is parson there, yet the demise made to John Fletewood concerning the tithes belonging to the parsonage, is good and available in the law for six years next after the deprivation of the said Laurence, without that that defendant in riotous manner entered the said mansion house, &c., &c.

P. 5. b.

The replication of Peter Prescott, clerk.

The said Laurence having been married before making the said lease and then being deprived because of the marriage, the said lease or any other act by him done is of no avail.

JANE TAYLOR, WIDOW, LATE WIFE OF THOMAS TAYLOR, DECEASED,
versus SIR JOHN GERRARD, KNIGHT, AND JOHN GERRARD
 HIS SON, *re* TITLE TO MESSUAGE AND LANDS IN
 ASHTON-IN-MACKERFIELD.

To the Right Hon. Sir Robert Rochester, Knight.

JANE Taylor, widow, late wife of Thomas Taylor, deceased, complains that where John Atherton, Esq., was seised in his demesne as of fee of the manor or chief messuage place called Garteswode, in Assheton Makirfelde [Ashton-in-Mackerfield], in the county of Lancaster, and of certain lands, meadows, and tenements in Assheton, and sometime in the holding of Robert Gerrard, but lately in that of the said Thomas Taylor. And the said John Atherton being so seised in consideration of the sum of £40 to him in hand paid by the said Thomas in the name of a fine, on the 1st day of April, 30 Henry VIII. [1539], by deed indented, demised the premises to the said Thomas Taylor, to hold from the feast of the Annunciation then next following for the term of 139 years, he paying therefore yearly £7 1s. 8d. The said Thomas by his will bequeathed the said premises to plaintiff for the term of years yet enduring, towards the maintenance and bringing up of her children, with divers remainders over, and made her and John Taylor and Humfray Tailor his executors. Testator died about five years ago, after whose death plaintiff entered into the premises and took the profits thereof: Now so it is that on the 17th day of June, 1 Mary [1554], John Gerrard of Assheton, the elder, and John Gerrard his son, accompanied by Thomas, another son of the said John the father, and Anne wife of the same John, and eight others to plaintiff unknown, in riotous manner expelled him from the possession of one meadow called the Rughe meadow, being parcel of the said premises.

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 [Calendar 3.]
 T. 12.
 1 and 2
 Phil. & Mary.
 [1554-55.]

Prays that Letters of Privy Seal may be directed to the said John Gerrard senior and John Gerrard junior, commanding them to appear and make answer.

To answer in a month from Michaelmas next, in the 1st and 2nd year [1554].

T. 12. a.

The answer of Sir John Gerrard, Knight.

Defendant says he was not guilty of any riot, and that he has an estate of inheritance in and is very owner of the manor or chief mease place called Garteswood in Assheton in Makirfeld [Ashton-in-Mackerfield], and certain lands, meadows and tenements, with the windmill in the town of Assheton, and never made any lease thereof to the said Thomas Taylor.

[The rest of the document is quite illegible].

JOHN CHADEN *versus* ELIZABETH THORNETON *alias* LOWE,
EXECUTRIX OF THE WILL OF RICHARD THORNETON
alias LOWE, *re* CLAIM FOR DEBT FOR THREE
PACKS AND A HALF OF FRIEZE CLOTH
AT ASHTON-UNDER-LYNE.

To the Right Honourable Sir Robert Rochester, Knight.

Vol. lxxi.
[Calendar 10,]
C. 2.
1 and 2
Phil. & Mary.
[1554-55.]

JOHN Chaden of Assheton-under-Lyne [Ashton-under-Lyne], in the county of Lancaster, merchant, complains that where he about the feast of St. Bartholomew, 1 Mary [1553] sold 3½ packs of “ffryce clothe” to Richard Thorneton *alias* Lowe for the sum of £32 7s. 6d., which the said Richard promised to pay at a certain day now past but only paid £12. The said Richard being taken ill made his will and appointed Elizabeth his wife executrix, who after his death took upon her the administration of his goods: Now so it is that neither the said Richard during his life, nor the said Elizabeth since his death, have paid to plaintiff the residue of the said £32 7s. 6d., although the latter has “assetz” in her hands wherewith she may satisfy the same.

As plaintiff has no “especyaltie” in writing whereby he might charge the said Elizabeth, he prays that their Majesties’ writ of Privy Seal may be directed to her, commanding her to answer the premises.

The answer of Elizabeth Thorneton *alias* Lowe.

C. 2. a.

Defendent says that she is not executrix of the said Richard Thorneton and has never administered his goods.

Commission dated 20th May, 1 and 2 Philip and Mary [1555], directed to Sir William Ratclyff, Knight, Edmund Assheton, Edmund Prestwicke, Raff Trafforde, Esqrs.

C. 2. c.

Depositions taken 23rd September, 2 and 3 Philip and Mary, on behalf of plaintiff.

C. 2. e.

Thomas Walken, aged about 46, tenant of Sir John Dawne, knows that the said Richard Thorneton *alias* Lowe bought 3½ packs of "ffryce Clothe of plaintiff" which did extende to £9 5s. a pack, because he (Richard) himself told deponent that he had bought the same of plaintiff in London. Deponent delivered to the said Thorneton of the same cloth one pack and a half.

The said Thorneton promised to pay £19 of the said money to Master Fyssherr in London, and the residue he would reckon for when he returned from London, but the days and times have expired.

Deponent knows that Thorneton paid £12 of the said money, to wit, £6 at one time to plaintiff's wife, £5 at another time, and 2os. at another time.

Deponent has heard from Robert Grene, late servant to Thorneton, that the said Thorneton said at the time of his death that he would not owe "unto any man of this worlde one groote."

George Carington, gent., aged about 34, says that he heard Sir John Copage say in the "Three Tunnes" at the "Yelde Hall," in London, in Candlemas term last, that he had received £10 of defendant, which was "dewe dett" to Sir William Davenport, then his master, by the said Thorneton, and that but for his good "Shifte" he had not had it.

Edwarde Bibbie of Manchester, aged about 37, says he made suit to Mr. Walker of Lichfield, brother to defendant, for the purchase of his favourable letters in his behalf to his sister this defendant, for the payment of a debt due to deponent by her late husband, but Mr. Walker answered he would not meddle in her

affairs, because she had hurt herself by the "intisement" of Sir John Copage for paying £10, a debt of her late husband, before she had any Letter Collegendum from the Ordinary. On the 8th February deponent heard the said Sir John confess the receipt of the said £10 to the use of Sir William Davenport, then his master.

Deponent says that Hugh Hoope, "coopertener" with the said Thorneton, confessed to him that he delivered to defendant £28 after the said Thorneton left Manchester for London: which Thorneton did not come again.

Deponent was at Cambridge and was "Inned and lodged" at the house bearing the sign of the "Taylyers Sheres," where the said Thorneton lay sick. The host and hostess confessed to deponent that the said Thorneton had made a will.

Robert Pendilton, aged about 41, says he has read a will made by the said Thorneton wherein defendant was appointed executrix: the will was written at Cambridge by Sir Richard Hide, priest.

Deponent was privy to four packs of cloth which Thorneton bought of John Bolton of Salforde, one month before his departure or decease; also to one inventory whereof deponent was one of the appraisers, which amounted to the sum of about £75.

Rauff Haywarthe, aged about 40, tenant to Mr. Alexander Newton, says he heard Robert Naden, deçed, carrier of the cloth to the said Thorneton, say that the said Thorneton promised to pay to Mr. Fissherr of London, £19 for plaintiff, but he does not think it has been paid.

Otuell Schofield, aged about 50, tenant to Sir John Dawne, as above.

John Caudrey of Manchester, aged about 40, says that part of the said packs of cloth was dressed and part undressed.

Upon a time after London fair, after the receipt of the said cloth, plaintiff came to deponent's house and asked him to go with him to the said Thorneton's, who then confessed and agreed to pay £19 to Mr. Fyssherr in London for plaintiff.

Robert Grene, aged about 31, late servant to Thorneton, says that Sir Richard Hide, priest, made the copy of a will, which

remained upon the "lifte side of the breste in the coote" of the said Thorneton, being put there by the said Sir Richard.

When Thorneton went to London and Sturbridge [Stourbridge], being the last journeys he made before his death, he carried and caused to be carried 22 packs of "ffryce clothe," whereof six were delivered at Lughborowe [Loughborough], ten at London, and six at Sturbridge [Stourbridge] about the time of his death. Heard that defendant had paid money to Sir William Davenport, and also heard her say to plaintiff that by the grace of God he should not lose even a "Grote" by her husband's death.

There came to the hands of defendant, after the said Thorneton journeyed to London, by the hands of Hugh Hoope from Bristowe, £27 as deponent supposes, but £24 as he knows for certain, and he and defendant brought home from Sturbridge fair £34. Defendant had in her house after the death of the said Thorneton ten pieces of "cotins," which she delivered to her husband's creditors.

The said Thorneton told deponent that he owed £120, and that there was owing to him £115 besides the goods at his house.

Frauncis Pendleton of Manchester, merchant, aged about 40, as above.

Sir John Coppage, priest, aged about 55, as above.

Certificate of the Commissioners from Manchester, 10th Oct., 2 and 3 Philip and Mary [1555]. C. 2. h.

William Radclyff.

Edmund Assheton.

Edmund Prestwyche.

Raff Traffard.

DECREES AND ORDERS, PHILIP AND MARY, BK. 10, FO. 179 B.

HILARY TERM. 2 AND 3 PHILIP AND MARY [1556].

Where one John Claden of Asheton Underlyne, in the county of Lancaster, merchant, exhibited a bill of complaint alleging that he sold $3\frac{1}{2}$ packs of "fryce clothe" to Richard Thorneton *alias* Lowe for £32 7s. 6d., &c., &c. Forasmuch as it appears to the Chancellor that the said plaintiff did sell the three packs as is

Inter
Johem
Clayden et
Elizabeth
Thorneton
alias Lowe,
viduem
defendants.

abovesaid. It is therefore ordered that the said Elizabeth Thorne-ton *alias* Lowe shall, before the feast of Easter next ensuing, well and truly pay to plaintiff the sum of £20 7s. 6d., residue of the said sum of £32 7s. 6d. without any further delay; also five marks the costs and charges wrongfully sustained by plaintiff in this matter.

WILLIAM STOPPEFORTH *versus* JOHN BOLD AND ELIZABETH HIS WIFE, AND OTHERS, *re* TITLE TO LANDS, &c., IN NORTH MEOLS PARISH.

To the Right Hon. Sir Robert Rochester, Knight.

Vol. lxxx.
[Calendar 19.]
S. 5.
1 and 2
Phil. & Mary.
[1554-55.]

WILLIAM Stoppefforth of Martyn [Marton], in the county of Lancaster, gentleman, complains that where Thomas Gorsuche and Margaret his wife, in the right of the said Margaret were seised in their demesne as of fee of twelve acres of meadow, with the appurtenances called Baldemanyhokes *alias* the Wykes, lying in the parish of Northmeales [North Meols], and so seised granted the same *inter alia* to plaintiff for the term of the life of the said Thomas, together with all the charters, deeds, &c., concerning the premises: which said Thomas and Margaret are still alive: Now so it is that of late divers of the said charters, &c., have come into the hands of John Bolde and Elizabeth his wife, by color whereof Robert Wright, servant of the said John and Elizabeth, Percival Brekyll, Thomas Ball, Edmund Mathue, William Jompe, Richard Ball the younger, Richard Ball the elder, Hughe Mathue and Edmund Ball, with divers other riotous persons to plaintiff unknown, about the 27th day of June last, assembled at the said close called Baldemanyhokes and with "stronge hand and multytude of men" did mow and cut down the grass and hay growing on the premises, and likewise accompanied by John Rumor, Robert Rumor, Thomas Copeland, William Haywarthe, John Nycawson, Christopher Blundell, Peres Rumor, Christopher Ball, Edmund Ball, Robert Mathue, Robert Wright of Blaywicke, in the connty of Lancaster; Peter Rumor of Byrkedale, in the said

county, and Peter Wynstanley of Byllynge, in the said county, with forty others, gathered themselves together at the said meadow on the 6th of July, arrayed with swords, bucklers, daggers, &c., &c., in warlike manner, some of them being "layed and placed in Busshementes," and carried away 100 loads of hay to the value of £50. The said John Bolde and Elizabeth refuse either to give up the said deeds or to suffer plaintiff to enjoy the said premises: he therefore prays that a writ of Privy Seal may be directed to the said John and Elizabeth and others, commanding them personally to appear and make answer.

The answer of John Bolde.

S. 6. a.

Defendant says that John Agheton, Esq. was seised in his demesne as of fee of the manor of Northmeales [North Meols], whereof the said twelve acres of meadow mentioned in the bill are parcel, and so seised died without heirs of his body: after his death the premises descended to Elizabeth now wife of defendant, and to Anne now wife of Barnabe Kechyn, as sisters and heirs of John Agheton, by force whereof defendant and his wife and Barnabe and his wife entered into the premises. After a division was made and the twelve acres of meadow were *inter alia* allotted to defendant and Elizabeth his wife to hold in severalty in recompence of other lands assigned to the said Barnabe and Anne.

The answer of Robert Wright, Percival Brekill, &c., &c.

S. 5. c.

Defendants say that at the time of the mowing and cutting down of the grass and hay, and before and after that time the said twelve acres of meadow were the proper "sole" and freehold of John Bolde and Elizabeth his wife, in the right of the latter, by reason whereof defendants as their servants, very quietly carrying only such weapons as they always had with them for their work, went to the said meadow and in a peaceable manner cut the grass and hay.

The answer of John Rymor, Robert Rymor, Thomas Copeland, William Heyward, &c., &c.

S. 5. d.

When defendants carried away the hay the meadow belonged to the said John Bolde and Elizabeth his wife, and at their com-

mand they took it in their carts and carriages to the mansion house of the said John in Northmeles.

S. 5. e. Writ dated 20th February, 2 and 3 Philip and Mary [1556], directed to Sir William Norres, Knight, Laurence Irelande, Esq., Hugh Dicconson and Richard Penkethe, gents.

S. 5. q. Depositions taken at Ormeskirk the 8th (?) April last past, on behalf of their Majesties, touching a riot alleged in the bill exhibited by William Stoppeforth, plaintiff.

Elizabeth Bolde, wife of John Bolde, now wife of defendant, did not know that her husband procured anybody to keep the possession of the lands in variance with force.

Percival Brekell, Thos. Ball, Edmund Mathew, William Jumpe, Ric. Ball senior and junior, Hugh Mathew and Edmund Ball cut the said grass about 26th June last at the command of defendant; they only carried "sythes," and their only purpose was to mow the grass, which was in danger of being injured by water: they certainly did not intend to fight with anybody who might prevent them from cutting the said grass.

Robert Wright of Northmeales [North Meols], servant of defendants, says he did not hear any of the Earl of Derby's servants give command to the said mowers.

There were about seven or eight carts or carriages to take away the hay, and there were two persons at least to each cart, whereof were John Rimoure, Robert Rimoure, William Heyward, Christopher Blundell, Pere Rimour, John Brekyll, Robert Mathew, William Brekyll, Ric. Brekyll, Christopher Ball, Edmund Ball, Robert Wright, and others.

Parsevall Brekyll and Thomas Ball, defendants, say that two of the Earl of Derby's men came to them while they were mowing and asked them by whose orders they were working, and they answered by their master and mistress's orders, who paid them for the same.

Edmund Mathew, Wm. Jumpe, Richard Ball, junior, defendants, depose as above.

Depositions taken the day and year abovesaid on behalf of plaintiff.

Robert Shay of Northmeyles [North Meols], servant to Sir William Ratcliffe, Knight, aged 42, knows that about four or five years ago a suit was commenced at Lancaster between Thomas Gorsuche and the said John Bolde, concerning either the lands now in variance or the rents claimed for the same, but at the motion of deponent the matter was stayed. Afterwards, when witness asked the said Bolde what had been done, he said that he and Gorsuche had come to an agreement by themselves, he (Bolde) giving about 6s. and in return receiving from Gorsuche a piece of writing.

Richard Byrch of Halsall, tenant to Henry Halsall, Esq., aged 89 years and more, says that Gilbert Sutton died seised in his demesne as of fee of the land now in variance, and that Nicholas Aughtun and Hugh Aughton, lords of the Meyles [Meols], were tenants at will to Gilbert Sutton, and that Sir Richard Aughton, Knight, and John Aughton his son, and divers of their ancestors occupied the lands by sufferance of the said Gilbert Sutton and Thomas Gorsuch and their ancestors.

The said Gilbert during his life, and after his decease William Gorsuch, father of the said Thomas, in the right of the said Thomas and Margaret his wife, in their nonage received the rents of the lands, which rents were for lands at will. The said Gilbert took yearly 4s.

Has often heard Hugh Aughton call himself tenant to Gilbert Sutton. After the death of the said Gilbert the lands descended to Margaret Gorsuch, now wife of the said Thomas. Has heard Thomas Gorsuch say that he had discharged John Aughton for the land now in variance. Witness saw an ox driven and taken for a distress on the said land by the said Thomas, and brought to the King's "ponde" of Derby.

Depositions taken said day and year on behalf of defendants.

S. 5. s.

John Ball of Meles [Meols], tenant to Sir Thomas Hesketh, Knight, aged about 106, says that the lands in variance were

always taken to be parcel of the manor and lordship of Northmeles. John Aughton, Esq., deceased, was the very true owner thereof and died thereof seised. All the lords of Northmeales [North Meols] have occupied the same as their own proper inheritance. Witness has known seven several lords of the manor of Northmeoles during the last 100 years. After the death of John Aughton the said lands descended to Eliz., wife of John Bolde, and to Anne, wife of Barnabe Kytchin, as sisters and heirs of the said John, and when a division was made the manor of Northmeoles was allotted to the said Eliz., who has had possession thereof ever since.

Deponent knows a place called Martinmere and a moss dicke lying in Scalisbreke [Scarisbrick] and Northmeoles, and another dicke called the small dicke: all the land lying within the said Martinmere, the moss dicke and the small dicke on the south side of the small dicke have been usually called the Wykes. The ground lying on the south side of the said small dicke to Martinmere "did lye all hole together" in one close, which contained nearly sixty acres.

The lands in variance were enclosed out of the . . . of Northmeoles and were sometime parcel thereof. Hugh Aughton then lord of the Meoles caused the same to be enclosed.

The said John Aughton and his ancestors have always taken the profits of the said lands, and any person occupying the same always paid rent to them.

The lords of Northmeoles have paid to Thomas Gorsuch and his ancestors a yearly rent of 2s., paid out of the lordship of Northmeoles, and not for the said lands.

Christopher Jamison of the Northmeoles, tenant to Sir Thos. Hesketh, Knight, aged 82; Robert Ball of Hesketh, tenant to Hen. Banester, Esq., aged 80 and more; Ric. Ball of the Northmeoles, ten. to John Bolde, defendant, aged 80 and more; John Richardson of the Northmeoles, servant to Edw. Standisse, Esq., aged 60; James Rymor of Byrkedale [Birkdale], tenant to Hen. Halsall, Esq., aged 60 and above;¹ . . . Edmund Abraham,

¹ The document is much faded and perfectly illegible in places.

Adam Abraham of North Meoles, Laurence Ball (?) of the same, Ric. Henryson (?) of the same; Edmund Ball of Northmeoles, tenant to Sir Thomas Hesketh, aged 60 (?); . . . Hen. Blevyn, . . . aged 60 and above; Percival Buckyll of the Meoles, aged 60 and above; Thomas Jumpe of Birkdale, aged 50 and above; Nicholas Rimor of the same, . . . Ric. Rimor of the same; Renald Wright of the Meoles, tenant to Peter Prescott, priest, aged 60 and more; . . . John Wright, James Bonde, . . . Nicholas Aughton of Northmeoles, tenant to Edmund Standisshe, Esq., aged 60; William Brekyll of the same, tenant to defendant, aged 60 and above; Thomas Ball of the same, aged 60; Rob. Wright of the same, aged 63 and more; Ric. Brekyll of the same, aged 66 (?) and more; Christopher Blundell of the same, aged 60 (?) and more; John Mathew of the same, aged 54; Thomas Rumur the elder, of the same, aged 56 and more; Thomas Rumur the younger, aged 50 and more, and Will. Heyward, aged 54 and more, all depose as above.

[The MS. here is quite illegible.]

S. 5. u.

James Kyd of Skarsebrecke [Scarisbrick], tenant to James Skarsebreke, Esq., aged 60 and more, and William Adamson of Huddlestoune, tenant to Ric. Huddlestoune, aged 68, depose to the first interrogatory as Thomas Johnson has deposed.

S. 5. j.

To the second interrogatory they have heard Gilbert Sutton say that the land now in variance was his own, and they believe in their conscience that the said Gilbert was the true owner thereof.

Ric. and John Aughton and their heirs have occupied the same as tenants at will of the said Gilbert, and paid yearly 4s.

To the third as Ric. Birch has deposed.

The land called Baldemeryhokes was taken to be Sutton's land.

Roger [Gor]such of Burstow, tenant to Peter Rigbie, aged about 40, says that about four years ago he read a very ancient deed under seal, wherein it appeared that Alan Meales gave to Walter Gorfurthsuch and to his heirs for ever, a certain parcel of

ground lying in the territory of Northmeyles [North Meols], which deed was in the hands of Thomas Gorsuch. There were then present in the hall of Gorsuch Henry Whitestones and Thomas Such, to whom he read the deed.

Will. Golburne of Skarsebreke [Scarisbrick], tenant to James Skarsebreke, Esq., aged about 76; Andrew Blundell of the same, tenant to Thomas Barton, aged 60; Adam Hunter of the same, tenant to the said Mr. Skaresbreke, aged about 66; Eglemowre Blundell of the same, tenant to William Spensar, aged 58, Peter Such of the same, tenant to the said Mr. Skaresbreke, aged about 56; and Ric. Blundell of Burstow, tenant to Thomas Hallwurthe, aged about 47, depose as above.

Richard Gilibrand of Lathom, gent., aged about 36; Henry Whitestones of Burstowe, tenant to their Majesties, aged about 60; Jas. Such of the same, tenant to Mr. Skarsebreke, aged about 60. The said Gilibrand says that he was present at the ground called Baldemeryhokes, about the 16th day of June last past, when William Stopforth, the plaintiff, peaceably entered the said lands and discharged all tenants and occupiers thereof.

John Haliwell of Walchwhittell [Welsh Whittle], tenant to Thomas Gorsuch, aged 44, says that about six years ago the said Thomas sent for him and delivered to him a deed under seal, commanding him to go to Rawkliffe [Rawcliffe], in the county of Lancaster, where it was appointed that all deeds, &c., concerning the title of the inheritance of the Meoles should be examined and tried by learned men and others, whereby it might become known that the said Gorsuch, in right of his wife, had lands there. Deponent went to John Kytchin, Esq., at Rawcliffe [Rawcliffe] and showed him the said deed, but he answered that there was no time or place to examine it, but that the said Gorsuch should come to him where he was at Bispam [Bispham], and should then know what he ought to do.

Thomas Gorsuch of Ormeskyrke [Ormskirk], gent., aged 41, says that after the decease of Wm. Gorsuch his father he (witness) being in the house of Jas. Skaresbreke, Esq., his father-in-law, at Bickarstaffe [Bickerstaffe], at which time witness was of full age,

Sir Ric. Aughton, then Ric. Aughton, Esq., came to Bickarstaffe [Bickerstaffe] and begged witness to be as good to him as his ancestors had been, whereupon witness considering that the said Aughton was his tenant at will, agreed that he should enjoy the lands called Baldemeryhokes for his life. When he died, deponent discharged John Aughton his son of the same, but upon his entreaties allowed him to have the same. The said John then gave him "rede to thacke his berne," and agreed that he should have "rede" to cover his houses during their two lives : which "rede" witness could not get licence to carry away "at the next," but took it to Fownbye [Formby], Awcker [Altcar] and Down Holland, which was eight miles out of his way.

Deponent's father took the rents during the nonage of deponent and his wife.

Deponent granted all the said lands to William Stopforth, but gave him no deeds concerning the same ; he delivered an ancient deed concerning the said lands to John Bolde defendant, in the "ymber" days before Michaelmas, three years ago, at his house called the Birchley, in the orchard there. Before giving it he sent it to Mr. Kytchin desiring him to search the deeds of the Meoles and find out whether there was anything to bar the said deed, who said there was nothing. Deponent gave up the deed because his wife would not agree to make James Gorsech son of the said Thos. and Margaret their heir, and also for 20s. of which he only received from the said Bolde 6s. 8d. sent to him by Hen. Birch.

The said Bolde required witness to send him the indenture of his marriage, which he accordingly did by Hen. Birch, and made a copy thereof and sent the copy to deponent to the intent that he should say he had only delivered the indenture to the said Bolde and no other writing.

William Lathewete of Ormeskyrke [Ormskirk], tenant to their Majesties, aged about 76, John Wawen of Skalsbreke, tenant to Jas. Skalsebreke, Esq., aged 42, and Hen. Birch of Halsall, aged about 38, depose as above.

Henry Skalsebrecke of Ormeskirk [Ormskirk], gent., aged about 30, was present when Thos. Gorsuch granted all his lands to plaintiff, and also when plaintiff took possession thereof.

William Mawdisley of Burstowe [Burscough], tenant to Jas. Skelsebecke, Esq., aged 40 years and above, says he went with Roger Sultor, servant to Thos. Gorsuch, to the said lands, took an ox for a distress, and brought it to Gorsuch Hall. Then the said Gorsuch sent it to theis Majesties "ponde" of Derby.

Thomas Johnson, aged about 70, deposes above.

Adam Breakyll of Skarsebreke [Scarisbrick], aged 74, says that 60 years ago he lived with Bob. Breakyll his grandfather in Northmeoles [North Meols], who then held the said lands of Gilbert Sutton for seven years, paying for the same "at one time" 28s. for the same for the said seven years. He would have occupied the same longer, but the lord of Northmeoles [North Meols] would not suffer him to have a way to the same. Knows that the said John Bolde and his servants carried away the hay growing on the said lands.

James Phasakerley of Skalsbreke [Scarisbrick], tenant to Homfrey Hill, aged 68 or more, Jas. Johnson of Halsall, aged 50 or more, Roger Scalisbreke of Burscove [Burscough], aged 56 or more.

Richard Waryng of Scalysbreke [Scarisbrick], aged 30, James Balgshagh of Scalysbreke [Scarisbrick], aged about 38, Jas. Stopforth, son of plaintiff, aged 24, were present when John Bolde with 10 carts and 20 persons carried away the said hay. One of the said persons carried a sword, others had pitchforks and rakes. On the Saturday before the hay was carried away deponents saw John Bolde, Thos. Aughton the younger, Will. Mathew, Thos. Ball, and Ric. Ball walking upon the lands, all of them carrying staves except one "which" was pulling hay out of the ditch.

Robert Mawdseley of Marton, tenant to their Majesties, aged 24 years and more, deposes as above.

11th November, 2 and 3 Phil. and Mary [1555].

John Bold of North Meales, Esq., aged about 31, says he did not command anybody to keep possession of the said lands with force of arms.

He hired eight persons to mow the grass about the 26th day of June last, not with the assistance of Robert Wright, but as he and

his ancestors had hitherto done, and as it was lawful for him to do in right of his wife.

The said persons only carried weapons wherewith to mow the said grass, and they "com all upon one daie for because to have it mowen and ledde home whyle the wethere was fayre" for the ground is a "maryse" ground, and if it had not been done then it would probably have been all destroyed. They were there about two days, and the Earl of Derby sent some of his men to help with the mowing, but how long they stayed witness knows not.

Deponent had "moniçon" and warning by the servants of the said Earl in the Earl's name and he justified the act.

Witness hired seven or eight wains to carry away the said hay as his wife's ancestors had always done.

Neither deponent nor any body in his name paid any rent to Thos. Gorsuch for the lands now in variance.

Did not receive any indenture or writings for the said lands, but at Byrcheley [Birchley] he received an indenture from Thos. Gorsuche, by whose hands he does not remember. The said indenture was dated 22nd February, 6 Henry VIII. [1515], and was made between Gilbert Sutton, gent., of the one part and William Gorsuch, gent., of the other part. Witness sent 6s. 8d. to Thos. Gorsuche upon a communication of a bargain and sale between the said Thos. and witness for Gorsuch Hall, on condition that he would send the said indenture to witness, so that he might know whether the said Thos. had any interest to make sale of the mansion house or not.

Witness spoke with the said Thos. in his orchard at Bircheley about the sale of Gorsuch Hall and nothing else.

DECREES AND ORDERS, PHIL. AND MARY, VOL. 10, FO. 207.

EASTER TERM. 2 AND 3 PHIL. AND MARY [1556].

For the matter in variance depending in the Duchy Chamber at Westminster between William Stopforthe of Martyn [Marton], gent., plaintiff, and John Bolde and Elizabeth his wife and others, defendants, concerning 12 acres of meadow with appurts. called Baldmonyhokes *alias* Baldmaryhookes *alias* the Wykes, lying in

Lanc.
Inter Willm.
Stopforthe
q. et
Johem Bolde
et at
defendant.

the parish of North Mealles [Meols], and also for matters depending between the said parties : forasmuch as the title of all the premises has been heard before the Chancellor and Council, and that it seems to this court that the trial of the same may be better and more aptly heard and determined by the order of the common laws of this realm than in this court. Therefore it is ordered that all the said matters depending between the parties shall be fully remitted out of this court, and that neither of the parties shall henceforth be heard here, but shall sue for their remedy by the order of the common laws. And it is further ordered that all injunctions and orders made by this court concerning the premises shall be from henceforth clearly dissolved, frustrate, and of none effect, provided always that Wm. Stopforth nor any others pretending interest in any the premisses by or from the same will shall or do obtain any possession or restitution to the premises or any part thereof by writ of restitution upon any indictment had or found depending the said suit in this court.

HENRY WYLKINSON AND EDMUND WYLKINSON, *versus* JOHN
WATERHOUSE AND OTHERS, *re* TRESPASS ON LANDS
ON GORPUL COMMON IN BURNLEY PARISH.

To the Right Hon. Sir Robert Rochester, Knight.

Vol. lxxx.
[Calendar 19.]
W. 1.
1 and 2
Phil. & Mary.
[1554-55.]

HENRY Wylkynson and Edmund Wylkynson of Hurstwood in the parish of Burnley, in the county of Lancashire, husbandmen, complain as well on behalf of the King and Queen as of themselves that where their Majesties are seised in their demesne as of fee of the manor of Burnley, and 200 acres of pasture, heath, moss and turbary, commonly called Gorpull Common, lying in the said parish of Burnley, and have had common of "pastute" for them and their tenants for term of life or years or at will in the said manor and in any tenement held of the said manor, to be taken and had with their beasts and "cattelles" upon the said 200 acres from time immemorial, by force whereof plaintiffs as tenants at will to their Majesties of two several tene-

ments in Burnley took their common for their beasts in a quiet manner. But so it is that now of late John Waterhouse and divers others in forcible manner entered upon the said 200 acres called Gorpull Common, and in a riotous manner drove away two geldings and one mare belonging to plaintiffs which were depasturing upon the said common to divers several places in the county of York.

Plaintiffs pray that a writ of Privy Seal may be directed to John Waterhouse, commanding him to appear and make answer.

NICHOLAS BUTLER AND DAME ANNE HIS WIFE, *versus* ROGER
BRADSHAGH AND OTHERS, *re* TITLE TO MESSUAGES, &c.,
AT HAIGH MANOR.

NICHOLAS Butler of Rowclyf [Rawcliff], in the county of Lancaster. Esq., and Dame Anne his wife, late the wife of Sir Roger Bradshawe, Knight, deceased, complain that where the said Sir Roger was seised in his demesne as of fee of 20 messuages lying in Haghe [Haigh], in the said county, and of 100 acres of land, 40 acres of meadow and 60 acres of pasture, in Haghe [Haigh], to the said messuage adjoining and belonging, and so seised Sir Roger about the "last day save one" of January, 21 Hen. 8 [1530], gave the said premises *inter alia* to Thomas Butler, Richard Bolde and others, to hold to them and their heirs for ever, to the use of the said Dame Anne for her natural life, by force whereof they were thereof seised until the 4th day of Feb., 27 Henry VIII. [1536]. But so it is that Roger Bradshawe, Esq., Gilbert Hyndeley, Alexander Barker, James Bedford, Thos. Tayllor, and Hugh Asheton, husbandmen, about the 1st day of January in this present first year of Queen Mary [1554], and at sundry times since, at the special command of the said Roger Bradshawe, riotously, with force and arms entered the premises and expelled plaintiff from the possession thereof and have ever since taken the profits thereof to their own use, to plaintiff's great damage.

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[Calendar 16.)
B. 6.
1 and 2
Phil. & Mary.
[1554-55.]

Prays that a writ of Privy Seal may be directed to Roger Bradshawe and others, commanding them personally to appear and make answer.

B. 6. a. Writ dated 14th February, 1 and 2 Phil. and Mary [1555], directed to John Wrightinton, Esq., and Alexander Rigby, gent.

B. 6. c. The Certificate of John Wrightington and Alexander Rigby.

B. 6. c. We called before us at Standyshe [Standish], on the 18th day of this April, the said Roger Bradshaghe, and took his answer in writing, which we herewith enclose.

20th April, 1 and 2 Phil. and Mary [1555].

B. 6. c. The answer of Roger Bradshaghe, Esq.

Defendant says that since the said bill was exhibited against him, to wit, on or about the 22nd day of August last [1554], Dame Anne died at Hoole, in the county of Lancaster, by reason whereof the said bill ought to abate and defendant be dismissed with his costs. Defendant was and still is lawful owner and inheritor of the demesne lands of the manor or lordship of Haghe [Haigh], within which there have always been certain mines or pits of a kind of "ffewell" called "canell" wherein as well the tenants of the messuages specified in the bill as also all other the tenants of the said Roger and his ancestors dwelling within the said lordship have accustomedly used to "digge" and get "canell" for their fuel and fire to be "spent and brent" in their tenements, and have always paid for the same certain "bones, presants, and averages."

As the said tenants during last summer dug as usual, defendant took from them such "bones, presants, and averages," as he had been accustomed to take.

Ever since the death of the said Sir Roger Bradshagh, late husband of the said Dame Anne, defendant has had the "conduccon" and leading of all the tenants, and upon the death of any of them, the appointment of a new tenant, provided always that Dame Anne received the full yearly rent.

About the 4th day of May last, William Legh, late one of the the said tenants died, and as his tenement adjoined the demesne lands, and was very convenient for defendant, he thinking that it was lawful for him so to do, entered the said tenement and occupied

it from the death of the said Legh to the death of the said Dame Anne, that is to say, for about 15 weeks, not meaning for one minute to defraud her of any part of the yearly rent thereof, which he has divers times offered to plaintiff's late bailiff and rent gatherer, and has always been ready to pay the same.

The answer of Roger Bradshaw, Gilbert Hyndeley, Alexander Barker, James Redforthe, Thomas Tayleor, and Hugh Asshton, husbandmen. Say they are not guilty of any riot or misdemeanor.

B. 6. f.

JOHN CURTEYS AND MARGERY HIS WIFE, *versus* WILLIAM
ELSWICKE, *re* TITLE TO LANDS, &C., AT
FARNWORTH AND WORSLEY HALL.

WILLIAM Elswick of Wytton [Witton], in the county of Lancaster, husbandman, complains that where John Curtes and Margery his wife exhibited their bill against him in this Court, supposing thereby that John Elswicke of Wytton [Witton] aforesaid, was seised in his demesne as of fee of two messuages in Whyttyngnam, in the said county, and tenement in Gosenarghe [Goosnargh] in the said county, and that after the death of the said John the premises descended to the said Margery as his cousin and heir, to wit, daughter and heir of Edmund Elswycke, son and heir of the said John; and that the evidences concerning the premises had come into plaintiff's hands, who by colour thereof had entered into the premises and expelled plaintiffs.

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C. 1.
1 and 2
Phil. & Mary.
[1554-55.]

Plaintiff being commanded to make answer in this Court alleged that John Elswick by deed dated the 30th day of June, 4 Edw. 6 [1550] enfeoffed Thomas Holden and Lawrence Haydocke of the premises to the use of him the said John for his life, with remainder to plaintiff as son and heir of said John and his heirs male, with divers remainders over. After the death of the said John plaintiff entered into the said premises and was thereof seised in fee-tail.

The said Curtes and his wife then replied and traversed the said answer, and thereupon plaintiff being very poor and dwelling far from London, the then plaintiffs being "more here" pursued

a Commission directed to their own commissioners in the absence of plaintiff, and when he thought they were going to relinquish their suit, and had certificate and hearing of the matter, plaintiff's witnesses not being examined. At the humble petition of plaintiffs (then defendants) counsel, and upon the sight of a deed purporting the effect of his said title, it was ordered that the farmers and occupiers of the premises should from henceforth pay to Roger Garsyde of Blackburne, gent., all the rents and profits of the premises until this present term of Michaelmas, and then the same to be delivered to plaintiffs unless your orator before that time could prove the said deed to be the very deed of the said John Elswicke, and that livery and seisin was thereupon made, and a good estate made to Thomas Holden and Lawrence Haydocke. If he could not do this, then the premises to remain to them and to the heirs of the said Margery without let or disturbance. When the case came on, one of the Commissioners, John Charnocke refused to hear plaintiff's witnesses. He therefore prays that a writ of privy seal may be directed to the said John Curtis and Margery, commanding them personally to appear and make answer.

C. I. a. The answer of John Curteys and Margery his wife. Defendants say that everything in their former bill was true, and that the said decree was lawfully made upon good and sufficient considerations.

C. I. c. Writ dated 6th November, 1 and 2 Phil. and Mary [1554], directed to Sir Rob. Worsley, Knight, Thos. Holland, Esq., Roger Ryshton, Ric. Lyvesley, and Wm. Farrington, gentlemen.

C. I. d. Another writ dated 20th November, 2 and 3 Phil. and Mary [1555], directed to Sir Thos. Talbott, Knight, Ric. Greneacres, Lawrence Banaster, and Peter Farrington, gentlemen.

C. I. g. Depositions taken at the house of Rauffe . . . , in Haughton, in the county of Lancaster, on behalf of John Curtoyse and Margery his wife, 19th January, 1 and 2 Phil. and Mary.

James Benson of Withnell, in the county of Lancaster, tenant to Sir Ric. Houghton, Knight, aged about 58, has heard John Elswick, grandfather of the said Margery, say that he was seised of the said premises to him and his heirs and died thereof seised.

The said Edmund Elswick, the son, about 29 years ago married Anne Garston and had issue the said Margery. The said premises descended to the said Margery after the death of the said John, father of the said Edmund.

Robert Haydocke (?) of Brotherton, aged about 22 (?), as above.

Olyver Gerrard (?), aged about 72, and others whose names are illegible, depose as above.

[The original MS. is much faded and difficult to decipher].

Depositions taken at Preston in Amounderness, 15th January, 2 and 3 Phil. and Mary, before the said Commissioners.

C. i. h.

John Boyes, of Whittingham, aged 80 years and more, knows all the said premises, and also knows that John Elleswycke, father of plaintiff, was seised thereof in his demesne as of fee, and by his deed dated 30th June, 4 Edward VI. [1551] (which was shown to the Commissioners), enfeofed thereof Thomas Holden and Lawrence Haydocke and their heirs for ever, to the use of himself for life with remainder to plaintiff and his heirs male, with divers remainders over, which deed the said John sealed and delivered accordingly. Livery and seisen was made by William Waryng to the said Thomas and Lawrence accordingly. Deponent knows all this to be true, because he was a "record" and witness thereof.

On behalf of
Wm.
Elleswycke.

The said John lived about two years after the execution of the deed.

George Megeall, gent., servant to Sir John Sotheworthe, knight, aged about 65, deposes as above.

Lawrence Haydocke, gent., servant to the said Sir John, aged about 53, deposes that he was one of the said feoffees and was present at the sealing and delivering of the said deed.

William Cowell, of Whittingham, one of the tenants of the lands in variance, aged about 30, and Thomas Holden, gent., servant of Sir John Sotheworthe, aged about 58, depose as above.

Nicholas Turnor, of Westfeld, in Gosenarghe, one of the tenants of the lands in variance, aged about 60, was one of the "records" of the sealing and delivering of the said deed, and of the livery and seisin thereof, although he was not named as a witness on the same.

DUCHY OF LANCASTER.

DECREES AND ORDERS, PHILIP AND MARY, VOL. 10, FO. 125.

Inter
Johen Courte,
et at 9 et
Willm.
Elsweke,
defendant.

Where before this time John Courtes and Margery his wife exhibited a bill of complaint against William Elswewe defendant, supposing that John Elswewe, of Wytton [Witton], was seised of two messuages, &c. in Whyttyingham, and one tenement in Gose-ner [Goosnargh], which after his death descended to said Margery, and that the evidences thereof had come to the hands of William Elswewe, who had entered into same and expelled plaintiff, whereunto the said William made answer that the said John by deed enfeofed Thos. Holden and Lawrence Haydocke of the premises to the use of himself for life, with remainder to defendant, who accordingly entered into the same and kept the deeds relating thereto as lawful was for him to do. Afterwards divers commissions were awarded out of the Court for the trial and examination of witnesses: and forasmuch as it appears that plaintiffs have sufficiently proved their title, and that defendant has not proved the said feoffment: It is therefore ordered that the farmers, tenants, and occupiers of the premises in variance, shall from henceforth pay to Roger Gartheside, of Blackburn, gent., all the rents and profits thereof until Michaelmas next, and then the same to be delivered to plaintiff unless before that time defendant prove the said deed to be the very lawful deed of the said John Elswewe, and also that livery and seisin was made thereupon and a good estate made to the said Thomas Holden and Lawrence Haydocke to the uses alleged. If defendant cannot prove the said deed, then plaintiff shall peaceably hold and enjoy all the premises to them and the heirs of the said Margery, and that defendant shall deliver up any evidences he may have concerning the premises, and shall pay to plaintiffs for their costs the sum of . . Defendant shall have liberty to prove the liberty of seisin by Commission out of the Court or by witnesses to be brought up and examined in this Court at all times on this side of Michaelmas.

EDWARD BYBBIE *versus* ELIZABETH THORNETON *alias* LOWE,
re CLAIM OF DEBT (MANCHESTER).

EDWARD Bybbye of Manchester, in the county of Lancaster, merchant, complains that where he about the feast of St. Bartholomew last did lend to Richard Thorneton *alias* Lowe £4, which he promised to repay on a certain day now expired, and where the said Richard being ill, made his will, appointing Elizabeth then his wife his executrix and died: which said Elizabeth took upon her the administration of his goods. Now so it is that although plaintiff has often asked for the money, both the said Richard and his executrix have always refused to repay it, although the said Elizabeth has in her hands assets wherewith she might pay the same.

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 B. 4.
 1 and 2
 Phil. & Mary.
 [1554-55.]

As plaintiff has no "especcyalte" in writing whereby he might charge the said Elizabeth at the common law, he prays that a writ of Privy Seal may be directed to her, commanding her personally to appear and make answer.

Hilary term, 1 and 2 Phil. and Mary [1555].

Hereupon a Privy Seal to Elizabeth Thornton *alias* Lowe.

ROGER ANDERTON, GRANDSON OF GILBERT ASSHETON, *versus*
 PETER ANDERTON, *re* CLAIM TO £40
 A MARRIAGE PORTION.

To the Right Hon. Sir Robert Rochester, Knight.

ROGER Anderton of Bikershay, in the county of Lancaster, gent., complains that where about three years ago it was agreed between plaintiff of the one part and Peres Anderton, Esq., of the other part, by word only that Gilbert Assheton, aged about 16 years, then being in plaintiff's custody and having lands and tenements in Lancashire of the clear yearly value of £40 and more, should marry one of the daughters of the said Peres Anderton, whereupon the said Peres promised faithfully to pay to plaintiff £40 within a year after the said marriage, as can be proved by

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 A. 2.
 1 and 2
 Phil. & Mary.
 [1554-55.]

good and sufficient witnesses. About two years ago the said Gilbert according to the said agreement married — Anderton, daughter of the said Peres, but the said £40 has never been paid, although plaintiff has often demanded it, but as he has no writing to prove the promise he is without remedy, and therefore prays that the said Peres now present in court may be compelled to make answer.

Hilary term, 1 and 2 Phil and Mary [1555].

Hereupon a Privy Seal to Peter Anderton.

A. 2. a.

The answer of Peres Anderton.

Says the said bill is untrue and only imagined of malice to put him to expense and trouble, and that the matters therein contained are determinable at the common law and not in this court.

JAMES DARWYN AND ROGER BRIDGE, BAILIFFS OF WEST
DERBY, *versus* OLIVER BYRCHALL,
re RESCUE OF GOODS, &c.

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[Calendar 17.]
D. 1.
1 and 2
Phil. & Mary.
[1554-55.]

JAMES Darwyn and Roger Bridge of Walton, in the county of Lancaster, bailiffs to the King and Queen within the precinct of their hundred or wapentake of West Derby, inform on behalf of their Majesties that where Olyver Byrchall within the court baron of West Derby was amerced and the said amerciamment “affyered” to the sum of 3s. 9d., according to the law and ancient usage and custom of the court, and where also Thomas Anderton recovered in an action of debt against William Leddebeator *alias* Carre, the sum of in the said court, by virtue whereof several precepts were directed to the said informers to distrain and levy the amerciamment and debt and damage. Now so it is that Roger Bridge often asked the said Oliver to pay his duty which he obstinately refused to do, wherefore your said informer in a most gentle manner repaired to the dwelling house of the said Olyver about the 10th day of October last [1554] and requested him to pay or else your informer must distrain his goods and chattels. As he

again refused your informer distrained part thereof, whereupon the said Olyver with a "longe pyked staf" not only assaulted your informer but rescued and took away the goods, so that he (informer) could not execute his office.

Likewise the said William Leadbeater not only prevented James Darwen from levying his goods, but also being armed with a short dagger and a "longe pyked staf" assaulted him and threatened to beat him, so that he was helpless to do his duty, to the evil example of like offenders.

Pray that letters of Privy Seal may be directed to Olyver Byrcheall and William Leddebeater, commanding them to appear and make answer.

Hilary term, 1 and 2 Phil. and Mary [1555].

Hereupon a Privy Seal to the said Olyver and William.

RAUF GARSTANGE, CLERK, CLAIMING BY CONVEYANCE FROM
WILLIAM WALTON, CLERK, *versus* JOHN WALTON AND
OTHERS, *re* TITLE TO LANDS, &C., CLAIMED FOR
SUPPORT OF THE CHAPEL OF LONGTON AND
FREE SCHOOL OF PENWORTHAM.

RAUF Garstange, clerk, complains that where William Walton, clerk, was seised in his demesne as of fee of divers messuages, lands, tenements, and hereditaments in Longton, Penwortham and Preston in the county of Lancaster, of the yearly rent or value of £4 6s. 8d. and so seised, conveyed all the premises to Richard Faryngton, Henry Sherdley, John Strykelande, and Hugh Mosse and their heirs for ever, to the use of the said William Walton for his life, and after his decease, to the intent that the feoffees should from time to time pay the yearly rents and profits to an honest priest, to be appointed by Sir Robert Hesketh and Sir Hen. Faryngton, Knights, and their heirs by turn, to say divine service within the Chapel of Longton for the ease of the inhabitants thereto adjoining, who could not well repair to the Church which was far from them, and the way to the

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[Calendar 17.]
C. 4.
1 and 2
Phil. & Mary.
[1554-55].

same quite impassable at divers seasons of the year by reason of the abundance of water. The said William Walton made the said conveyance for charity's sake, and willed that the said priest should teach and instruct the poor children of the inhabitants there in grammar, if he could conveniently do so, by virtue of which godly devise the said profits were so employed, giving much ease to the said inhabitants who have had divine service there to their great comfort. After the decease of the said Walton the said Sir Hen. Faryngton appointed another honest priest to the said Chapel of Ease, who enjoyed the rents during his life: after his death Sir Rob. Hesketh had issue Sir Thos. Heskett, Knight, and died at Rufford in Lancashire, after whose death the turn of the nomination descended to the said Sir Thomas as son and heir of the said Sir Robert, and he appointed plaintiff to be chaplain, by force whereof he peaceably received the said rents: Now so it is that of late divers deeds, charters, &c., concerning the premises have come to the hands of John Walton, Christopher Walton, Rauf Eaton, Evan Kellette, William Tasker and Richard Hodgekynson, who being men of evil disposition not regarding God nor honesty have sought to deprive plaintiff of his poor living, and have not only notoriously proclaimed the said conveyance to be a Chauntrye, but have also disturbed plaintiff in his enjoyment of the premises, and would have withdrawn divine service within the said Chapel of Longton.

Prays that letters of Privy Seal may be directed to the said John Walton and others, commanding them personally to appear and make answer.

Hilary term, 1 and 2 Phil. and Mary [1555].

Hereupon a Privy Seal to John Walton and others.

G. 4. a.

The answer of John Walton, Rauffe Heyton, and Evan Kellett.

Defendants do not know of any such feoffment made to the said Ric. Faryngton and others.

It is true that the said Will. Walton was seised of certain messuages, lands, &c., in Preston, Kirkeham, Walton, and Longton, whereof the lands mentioned in the bill are supposed to be parcel: and so seised, died without issue: which said premises

descended to Christopher Walton as cousin and heir of the said William, to wit, son of Thomas Walton, son of Christopher Walton, father of the said William : and he being so seised, about 6 Edw. 6 [1552-53], by deed enfeoffed John Fletewoodde, Peter Farryngton, Esqrs., Ric. Farryngton, Jas. Forshaw, Hen. Farryngton, Jas. Walton, Rob. Farryngton, and Hen. Sherdeley, gents., with others of his lands, &c., in Kirkeham, Kelermerghe, and Preston : to hold to them and their heirs for ever, to the use of the finding and erecting of a free school within the parish of Penwortham. The residue of the said premises after the death of the said Christopher descended to John Walton one of the defendants as son and heir of the said Christopher the son of Thomas.

THE KING AND QUEEN *to* GEORGE BROWNE, ATTORNEY IN
LANCASHIRE, *re* COMMISSION, &c., AS TO REPAIRS OF
CHANCEL OF THE PARISH CHURCH OF HUYTON.

WRIT dated 20th May, 1 and 2 Philip and Mary [1555], directed to George Browne, Our Attorney in Our County Palatine of Lancaster, Francis Samwell, Our deputy-auditor of the north part, parcel of the Duchy of Lancaster, Richard Raineshawe Our receiver of Our Augmentations, being parcel of the said Duchy, and John Braddyll deputy-receiver of Our possessions belonging to Our honor of Halton, in the county of Lancaster and Cheshire.

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[Calendar 18.]
R. 4.
1 and 2
Phil. & Mary,
[1554-55].

We are credibly informed that the chancel of the parish Church of Huyton, parcel of the Duchy of Lancashire, is in a very ruinous and decayed state in timber, lead, and glass, and in other things : We therefore command you to go to the said Church and survey the state of the chancel and see what repairs are necessary and what the costs will probably amount to for everything : you are to enquire into the matter as well by perambulation, view, examination of witnesses as otherwise, and then to certify Our Chancellor of the Duchy what you have seen.

The Certificate of the said Commissioners.

R. 4. a.

We repaired to the said parish Church of Huyton, the 3rd day of October, 2 and 3 Phil. and Mary [1555], and not only surveyed and viewed the chancel, but also called before us such skilful men as masons, carpenters and others from whom we might gather what the costs of the repairs would amount to.

First the chancel contains in length 31 feet and in breadth 30, and is in so sore ruin and decay that it must be repaired because the parishioners cannot have divine service there, but are obliged to have the service done in the body of the Church, as it rains in many places in the chancel, and the roof is ready to fall.

Hugh Smyth of Halton, in the county of Chester, freemason, says that as touching the walls and stonework of the said chancel he will undertake to repair them, having free-stone and lime laid in the Churchyard apt and "meate" for the said repairs, to bear all other charges, and to advance the said wall on both sides of the said chancel 1 yard in height for the sum of 66s. 8d.

The charges for the lime and stone with the carriage thereof to finish the walls will amount to 40s.

Hamlet Tyrer of Huyton, carpenter, says that the timber necessary for the roof of the chancel with the workmanship thereof will amount to the sum of £20, over and above the carriage of the timber which will amount to 40s.

Hamlet Stockley of Huyton, yeoman, says that the workmanship of the slate, with the taking it down and re-covering it, and the new slate to be bought will amount to £4 over and besides the carriage thereof which will come to 20s.

The charge of the glass necessary for the repair of the said chancel will amount to 40s., besides "lathnailes" for the roof which will come to 10s.

WILLIAM RATCLIFF AND ELIZABETH HIS WIFE, *versus* ROBERT
HOLME, ALICE HOLME HIS MOTHER, GEORGE HOLME
AND OTHERS, *re* TITLE TO A BURGAGE, &c.,
IN MANCHESTER.

INTERROGATORIES to be administered to Robert Holme
on behalf of William Ratcliffe.

15th May, 2 and 3 Philip and Mary.

Robert Home, of Manchester, in the county of Lancaster, gent., aged about 30, examined at Westminster, says there were Letters of Privy Seal with Injunction under the seal of the Court of the Duchy of Lancaster delivered to deponent, whereby he and Alice Holme, his mother, were commanded to avoid from the possession of one messuage, burgage, or tenement in Manchester, and to suffer the said William Ratclyf and Elizabeth, his wife, to occupy the same until they should have recovered the said messuage by due course of the common law.

The said Alice Holme desired deponent, Thomas Ryddelstons, Rauf Browne, and George Holme deponent's brother, about the 3rd day of January last, to go with her to the said messuage to bear witness that she desired to have possession thereof, as was lawful for her, she thinking it to be her own right and having no other reason for so doing. Deponent had a sword which he usually wears in all "proces" when he goes abroad, and the other persons named had no weapons except daggers, and defendant is not quite sure that they even had those. They did not go to the said house intending to turn the said William and Elizabeth out of it, but merely to take possession quietly. They found within the same the said Elizabeth and others, whose names deponent knows not, but whether the said William Ratcliff was there at the time deponent cannot say.

DECREES AND ORDERS, PHIL. AND MARY, BK. 10, Fo. 98,

HIL.: 1 AND 2 PHIL. AND MARY [1554-55].

For the matter depending in this Court in variance between William Ratcliff, plaintiff, and Alice Hulme, widow, and Robert Hulme and others, defendants, concerning one messuage or burgage

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[Calendar 1.]
R. 7.
2 and 3
Phil. & Mary.
[1555-56.]

Inter
Willm.
Ratcliff,
querent. et
Aliciam
Hulme,
vid. et al.
defendant.

or garden, with appurtenances in Manchester, in the county of Lancaster. Forasmuch as the said William Ratcliff heretofore recovered the premises against Stephen Hulme, father of the said Robert, whose heir he is, and late husband to the said Alice, by the verdict of the recognitors of an assize taken before the Justice of King Edward VI. at Lancaster, between plaintiff and the said Stephen, and was put into possession thereof by the Sheriff of the said county, and ever since has occupied the same until such time as he was by the said defendant with force expelled from the possession thereof in such manner as by the said bill is alleged as is proved by the confession of the defendants upon their oath, since which time the said Stephen and Alice exhibited a bill in this Court against the said William to have brought the title of the premises in question and debate, whereupon and upon the sight of the Trial and Judgment the matter and the trial of the title of the premises by order and decree made in the Court was dismissed out of this Court, and the said Stephen and Alice referred to be at their remedy by action at the common law for the recovery thereof as by the same decree made in this Court, 10th February, 3 Edw. VI. [1549], more at large appears. It is therefore "estsones" ordered and decreed by the Chancellor that the said William Ratcliff be restored to the possession of the premises, and the same to have, occupy, and enjoy without interruption of defendants until the said defendants have recovered the same by the order of the common law.

BK. 10, FO. 244, MICH.: 3 AND 4 PHIL. AND MARY [1556-57].

Inter Willm.
Ratcliff,
et Eliz.,
usorem ejus
q. et
Robtū
Hulme,
defendant.

In the matter in variance in the Duchy Chamber at Westminster, between William Ratcliff, gent., and Elizabeth, his wife, plaintiffs, and Alice Hulme, widow, and Robert Hulme, her son, defendants, concerning the right, title, possession, and occupation of in and to one burgage or tenement in Manchester, in the county of Lancaster. Whereas before this time upon the suggestion of plaintiffs there has been an Injunction awarded out of this Court directed to the said Alice and Robert, dated 25th April, 1 Mary [1554], enjoining them upon a certain pain therein limited to avoid

from the possession and occupation of the said messuage and other the premises, and also peaceably to suffer the said William and Elizabeth Ratcliff to enjoy the same. And forasmuch now upon the further opening of the matter to the Chancellor and Council it has plainly appeared that there is no just cause why the Injunction should any longer stand in force or the matter to be detained in this Court. It is therefore this present term of St. Michael ordered that the said Injunction from henceforth shall be clearly dissolved, and also that the matter shall be from henceforth clearly dismissed out of this Court to be tried at the common law.

GILBERT GERRARD, THOMAS LEIGH, RANDULPH CLAYTON AND
OTHERS, *versus* JAMES MASSEY AND JOHN HEYWOOD, AT
THE INSTANCE OF SIR EDMUND TRAFFORD, KNIGHT,
AND EDMUND TRAFFORD, HIS SON, *re* TITLE
TO CAPITAL MESSAGE, CALLED THE
HALL OF GARRETT.

INTERROGATORIES to be administered on behalf of Gilbert
Gerrarde, Thomas Leigh, Randolph Clayton, and other com-
plainants to Henry Trafforde, clerk, and Edmund Trafford, Esq.

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[Calendar 1,
G. 2.
2 and 3
Phil. & Mary.
[1555-56.]
G. 2. a.

Interrogatories to be administered on behalf of same, to James
Massy and John Heywoodd, defendants.

12th June, 2 and 3 Philip and Mary [1556].

James Massye, servant to Sir Harry Trafforde, clerk, aged
about 23, examined at Westminster, the day and year above
written, says that he and John Haywood about the 24th day of
January last, entered into part of the capital messuage called
the Halle of Garrett, in the parish of Manchester, in the county
of Lancaster.

G. 2. b-i.

There was nobody else with them except Mistress Prestwiche,
of Manchester, "which" overtook them at the very door of the
Hall, and asked to go in to pray for the "course" [corpse] which
"ley" there, as is the custom in the county of Lancaster. As

soon as she asked to be let in the door was opened and deponent and the said Haywood followed her into the hall where they all knelt down and said certain prayers. When they had finished they rose up, intending to go into the parlour to take possession for Sir Harry Trafford, their master, but there were so many people between them and the parlour that they could not get in, so they took possession in part of the said Hall of Garrett as much as is the right of the said Sir Harry, "and no other pollicie they used to entre into the said Hall."

Does not know of any persons who were lying in wait to help deponent to enter the said capital messuage.

Deponent and the said Haywood entered the messuage by the commandment of Sir Harry.

Deponent and Haywood each had a dagger and a little walking staff in their hands, which they use "to go by:" which staves they left in the hall when they entered the messuage.

They remained there from 9 o'clock on Friday morning, 24th January, until 2 o'clock on Saturday afternoon.

Thomas Leigh and Randolph Clayton were within the said messuage when deponent entered.

Margaret Trafford, widow, was living in the said messuage when deponent entered, but he does not know how long she had been living there.

Rauf Trafford, son of the said Margaret, was dead when the entry was made, but how long he had been dead deponent does not know. The said Rauf was lying dead in the house when deponent entered, he was known and commonly taken to be the owner of the said capital messuage and barn, but deponent does not know whose son he (Rauf) was nor how many "brotheren" he had.

Nobody commanded deponent and Haywood to depart out of the house. They went into the barn belonging thereto by the commandment of Sir William Ratclif and Sir Robert Langley, Knights, being Justices of the Peace in the county of Lancaster.

Nobody else besides themselves was put into the said barn to keep possession thereof. When they went to Church on the

Sunday to "hier godes sarvice," their master, Sir Harry Trafford, commanded Rauf Mellor and Thomas Bradshawe to keep possession of the said barn from the morning to the evening, but beyond them there were no others there.

Deponent and the said Haywood, Mellor, and Bradshawe have taken it in turns to keep possession of the barn ever since their first entry on the 15th of January up to the 20th of May by the command of the said Sir Harry.

Neither Sir Edmund Trafford, Knight, nor Edmund Trafford, his son, commanded deponent to keep possession of the barn, and deponent has never said that they did so.

Deponent and Haywood each had a bill and a dagger when they kept possession of the said barn, but no other weapons. Margery Massye, deponent's mother, brought them meat and drink whilst they remained there, but no other person brought them anything. Thomas Haywood, James Stanley, and William Bakester servant to said Sir Edmund Trafford, and about 20 other persons, whose names deponent knows not, came to them whilst they were in the said barn. Deponent had a "mastie or bandogge" in the barn, but whose dog it was he does not know. They kept it at the command of Sir Harry.

The said Sir Harry Trafford has received the rents of the tenants of the lands and tenements now in variance since the beginning of Easter term last.

Deponent knows the Hall of Garrett and some part of the lands belonging thereto, but does not know who is in possession thereof.

11th June, 2 and 3 Philip and Mary.

John Haywood, of Manchester, in the county of Lancaster, yeoman, aged about 26, says that he and James Massye entered the said messuage about 6 o'clock in the morning of Friday, 24th January last.

Believes that Margaret Trafford has lived in the said capital messuage ever since she married Mr. Trafford, of the Garret, her late husband, deceased.

Deponent thinks that the said Rauf lay dead all the night before the said entry, he Rauf was taken and known to be the son of the

late husband of the said Margaret. Deponent does not know the name of old Mr. Trafford, of the Garret.

Deponent and the said Massye entered the barn on Sunday, 26th Jannary last, and continued there until about the beginning of the present month of June.

Certain persons, whose names deponent knows not, have since the beginning of Easter term last entered into certain parcels of the lands now in variance by the command of the said Sir Harry Trafford.

19th June, 2 and 3 Philip and Mary.

G. 2. j.

Sir Henry Trafforde, clerk, of Stretton by the Strete, in the county of Rutland, clerk, aged 60 and more, says that about the 24th day of January last, he commanded John Heywood and James Massye to enter into the capital messuage, called the Hall of Garret, meaning them to enter the higher part thereof. The said Heywood and Massye were his servants before the said entry, and had made their covenants with deponent. He told them to enter because he considered himself to be the right heir to the premises, and for no other reason. They remained there one day and one night. Does not know for certain whether Rauf Trayforde was lately owner of the said premises, but believes so.

The said Rauf had two brothers. George Trafford, brother to deponent, was father to the said Rauf and his two brothers.

The said Rauf was lying dead in the house when the entry was made.

Deponent commanded the said Heywood and Massye to keep possession of a barn belonging to the said messuage because he was kept out of the said Hall by force by Thomas Legh and Isabell, his wife, Anne Shalcrosse, Margaret Trayforde, Jane Downes and Randall Clayton, and Thomasyn, his wife, and others. They (Heywood and Massye) kept possession thereof from 25th January, until the Wednesday in Whitsunweek. Certain persons have kept possession thereof up to the present time by deponent's command.

Did not procure anybody to assist the said Heywood and Massye.

Deponent has received the rents of those tenants of the lands in variance, who brought and would pay their rents to him : which rents he has received since the bill of complaint was exhibited against him. Cannot now remember what sums of money he has received nor the names of the tenants who paid the same to him.

Since the bill was exhibited deponent has not entered or caused others to enter into any close of land or pasture now in variance.

Edmund Trafforde, of Trafforde, in the county of Lancaster, Esq., aged about 29, says he did not command anybody about 24th January last to enter the Hall of Garet, but on that day Henry Trafforde, clerk, told deponent that John Heywood and James Massye had entered the same at his command, they being then his servants.

G. 2. k.

Deponent did not cause any persons to enter the said barn ; neither has he received any rent from the premises ; nor commanded anybody to enter any part of the lands since the bill was exhibited.

RICHARD BOLD AND MILES GERARD, INFORMANTS FOR THE
KING, *versus* JOHN WOODFALL, ONE OF THE WARDENS
OF FARNWORTH CHAPEL, *re* DETENTION OF
IRON "RANCKE," &c.

"**I**NFOURMETH youre right honorable maistereshippe"
Richard Bolde, Esq., and Myles Gerard, Esq., that we by
virtue of their Majesties Commission have called before us John
Woodfall, of Wydnes [Widnes], in the county of Lancaster, yeo-
man, and have understood as well by his confession as by the
examination of witnesses that he detains in his hands "oone
greate Rancke of Iron curiously wrought" whereupon divers and
many lights used to stand before the Holy Sacrament in the
Chapel of Farneworth [Farnworth], in the parish of Prescott, in
Lancashire, which said "Rancke" contained in length about 30
"fote," and was worth by estimation £8, and was "imbesilled"

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B. 2.
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by the said John from the said chapel, who also withholds and conceals three other similar "ranckes" whereupon also divers lights stood in other sundry places in the chapel, worth £3, which John Woodsall the younger son of the said Woodfall took out of the Rood loft of the said chapel: all which "ranckes" we have demanded of the said John to the use of the chapel and to the maintenance of divine service there, but he refuses to deliver them up.

B. 2. a. The answer of John Wodefall.

Defendant says that about three years ago he, Thomas Quycke, Henry Walker, and Thomas Banner, being wardens of the chapel of Farneworthe [Farnworth] having in their custody divers pieces of an old broken "Ranke," which were defaced and cast into a loft in the lower end of the chapel about two years before that time: and forasmuch as there were necessary repairs to be done to the chapel, as well in "glasinge" as otherwise, and he and his co-wardens had not sufficient money for the same, as there were no goods or chattels belonging to the chapel, which were so fit to sell and at such a small loss as the said Rank which was broken in pieces, therefore they caused the rank to be "wayed" by Robert Marshe, blacksmith, and afterwards defendant took 26 lb. of iron parcel thereof and gave for the same 2s. 2d., that is to say, at the rate of 1d. a lb., and the other wardens took the rest of the said rank, paying for it at the same rate, but defendant cannot now remember with certainty how many lbs. of iron there were altogether. The price paid per lb. was as much as new iron was then sold for. All the money obtained for the iron was employed for the repairs of the chapel.

B. 2. c. Writ dated 25th June, 2 and 3 Phil. and Mary [1556] directed to John Ogles, George Dombell, Bryan Travers, gent., and Thomas Burges, clerk.

B. 2. c. Depositions of witnesses taken at the Chapel of Farneworthe [Farnworth] in the parish of Prescott, 24th September and 2nd January last past.

Sir William Norres, Knight, aged about 53, has seen in the

said chapel a "greate Rauncke or hersse¹ ef yron fynely wrought" whereon divers lights and tapers were wont to stand in the chancel before the Holy Sacrament in the said chapel: it extended throughout the breadth of the said chancel from side to side, but cannot say what it was worth.

Deponent with Richard Bolde and Myles Gerrard, Esquires, assembled at Farneworth [Farnworth] by virtue of a Commission to them directed, for the calling in and collecting such goods and chattels, jewels and other things as were concealed and taken away from the said chapel, and called before them the said John Wudfall and his co-wardens, and also those who had been wardens long before and all others whom they suspected of having any of the said goods. The said Wudfall then confessed that he and his co-wardens had taken away the said "rancke," cut it in pieces, and divided it amongst them, but that he had bestowed his part upon the said Church.

Deponent commanded the said wardens to make "nue" (new) the said "rancke" which they refused to do, whereupon they were commanded to appear in the Duchy Chamber on a certain day in the following term, there to make further answer.

The said wardens each agreed to pay 20s. towards the making new thereof, and afterwards the said Wudfall was required to do his part before Palm Sunday then next following, or to appear in Easter term following on pain of £40.

Richard Bolde, Esq., aged about 44 years, does not know exactly what the said "Rancke" of iron was worth, but he knows that in the lordship of Bolde, being one quarter of the parish, £3 in money was collected towards making the same.

John Wudsall the younger confessed that he went up into the "roode seller" in Farneworth [Farnworth] Chapel and there cast down to the ground three "ranckes" of iron, but what was done with them witness does not know.

Myles Gerrarde, Esq., aged 44 years, and Francis Bolde, gent., aged about 33 years, depose as above.

¹ Herse, this word had several meanings, one of which was a framework whereon lighted candles were placed at funerals.

B. 2. f.

Henry Walker, tenant to their Majesties, aged about 60 years, says that John Woodfall took away 27 lbs. of iron, parcel of the said "rancke," and paid 1d. for every lb. thereof into the hands of Thomas Wycke [or Quyck] his co-warden. The said Woodfall owned to taking part of the said "rancke" away. When he and deponent refused to make it new they were commanded to appear in the Duchy Chamber, and had a "byllet" of the day of their appearance.

Witness and the executors of Thomas Baner, late churchwarden, both paid 20s. to the use of the said chapel, because they did not wish to be further troubled in the matter.

Deponent was "sicke" when the other three "ranckes" were taken away.

John Apleton, of Wydnes [Widnes], tenant of their Majesties, aged about 60, deposed as above.

Thomas Qwycke, of Croynton [Cronton], aged about 60, says that the said "rancke" of iron was "holle together saving certen fflowres" which were taken away when John Wudfull was made churchwarden.

Henry Hycchemoghe, of Bolde, aged about 60, deposed as above.

Robert Mershe, of Farneworth [Farnworth], smith, aged about 40, says that the said Wudfall, Walker, and Banner, came to him one day as he was working at the back of his house and brought with them the said "rancke," part of the small "flowres" being broken and "looste." At their request he cut the same in pieces and weighed it, the weight being 120 lbs. and 1½ lbs. The said Wudfall and others took away the said 120 lbs. of iron and left the 1½ lbs. for him for his trouble in cutting the same.

Thomas Asshton, gent., aged about 43, deposed as above.

Thomas Smythe, of Cuerdley, aged about 50, was present in the parlour of Robert Lawrence, of Farneworth [Farnworth] when the said Commissioners were altogether, and heard Sir William Norres command Jonn Wudfall to agree as the other churchwardens had done before Palm Sunday then next following or else to appear in the Duchy Chamber in Easter term next ensuing.

Deponent and John Williamson now being churchwardens received of Henry Walker and of the executors of Thomas Banner 20s. for the use of the said chapel.

John Wyllymson, of Bolde, aged about 54, deposed as above.

Henry Walker, aged about 60, was churchwarden when the said "rancke" was taken away.

On behalf of
defendant.

Deponent and his co-wardens divided the iron amongst themselves, the said Woodfall having about 27 lbs.

John Woodfall the elder delivered to Thomas Qwycke, to the use of the said chapel, 1d. for every lb. of iron, amounting to about 2s. 3d.

Interrogatories to be administered on the "partie" and behalf of John Woodfall.

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[Calendar 20.]
K. 23.
Phil. & Mary.

1. *Imprimis*. "Whether do you knowe the Chapell of Farnworth within the countie of Lancaster or not."

2. *Item*. "Whether you knowe that there was a Ranke of Iron Reaching over the Channcell in the Chappell of Farnworthe [Farnworth] or not."

3. *Item*. "Whether Henrye Walker was churchwarden at the tyme of the taking awaye of the said Rauncke of Iron."

4. *Item*. "Whether the said John Woodfall doeth detyne or withold in his handes one gret Rancke of Iron Curiously wrought worth in value viij^{li}."

5. *Item*. "Whether the said Woodfall doeth detyne or withhold iij other Raunckes of Iron Curiouslye wrought worthe in value iij^{li}."

6. *Item*. "Whether John Woodfall the younger sonne to the said John Woodfall the elder, dyd take owte of the Rode lofte within the Chapell of Farneworthe [Farnworth] the foresaid iij Raunckes or Convey or take them awaye from the said chapell or nott."

7. *Item*. "Whether the said John Woodfall the elder dyd put the forseid gret Rauncke to his owne use or to the use of the said chapell."

8. *Item*. "Whether John Woodfall the elder dyd pay or delyver to the churchwardens to the use of the said chapell ijs. ijd.

for that part and porcion of the said Rauncke being xxvj^{lb.} of Iron in weichte by the said John taken."

John Ogle. George Dombell.
Thomas Biwyes (?).

RICHARD HAYDOK, CLAIMING BY DEED FROM RICHARD GREEN,
versus THE RIGHT HON. SIR THOMAS STANLEY AND EIGHT
OTHERS, *re* TITLE OF MESSUAGE, LANDS, &c.,
IN HEAPEY AND CHORLEY.

To the Right Hon. Sir William Pagett, Knight.

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[Calendar 18.)
H. 10.
2 and 3
Phil. & Mary.
[1556-57].

RICHARD Haydok complains that where Richard Grene, late of Hepaye [Heapey] in the county of Lancaster, deceased, was seised in his demesne as of fee of two messuages, eight acres of land and twelve acres of pasture in Hepaye [Heapey] and Chorley, and so being seised, by deed about 22 years ago granted the said premises to plaintiff and to Thomas Bukley, clerk, and to their heirs for ever, to the use of the performance of the last will of the said Richard Grene, whereby he declared that his feoffees should be seised of the premises to the use of him the said Richard Grene and Agnes then his wife for their lives; after their decease to the use of plaintiff and the said Thomas Bukley and their heirs for ever. Richard Grene died about 20 years ago, and Agnes survived him and took the profits of the premises for about four years. After her death plaintiff and the said Bukley entered into the premises and took the issues thereof until Thomas Bukley died about 13 years ago. Since that time plaintiff has been solely seised thereof until the 10th day of June last when James Bothe, Robert Heyld, and William Breres, at the command of Thomas Stanley, Knight, Lord Mountegle, and Adam Holden bailiff of Lord Mountegle, with force and arms entered a pasture, called Grenefold, in Chorley, parcel of the premises, and drove away two geldings and two mares to the house of Rauf Hogesone in Heathe Charnock where they were kept secret, and plaintiff

could not find out where they had been taken to. For want of proper sustenance the said geldings and mares were like to be utterly destroyed : they were only restored to plaintiff by force of a "Répligiaré" pursued by plaintiff in that behalf. The said James Bothe, &c., have at divers times since the 10th day of June entered upon the said pasture and driven away plaintiff's cattle. Although he has continued his lawful possession of the premises for 13 years, yet Lord Montegle, wishing utterly to disinherit him, at a Session of Peace held within the said county caused him to be untruly indicted of forcible entry into the premises, meaning thereby to get possession thereof from him.

Prays that Letters of Injunction may be directed against the said Lord Montegle, commanding him to appear and make answer.

Michaelmas Term, 4 Edward VI. [1550].

Hereupon a Privy Seal to Adam Holden, James Bothe, Robert Heylde, and William Breres.

The answer of Adam Holden.

H. 10. a.

Defendant says that Richard Grene was seised of one messuage and four acres of land, parcel of the premises mentioned in the said bill, and held the same of Lord Mountegle by fealty and 5s. rent. As the said Richard died thereof seised without heir general or special, defendant as bailiff to Lord Mountegle and at his command entered into the messuage and four acres of land by force whereof Lord Mountegle was thereof seised in his demesne as of fee by way of escheat, until plaintiff without any colour or title wrongfully entered the same, for which forcible entry plaintiff was justly indicted and Lord Mountegle restored to his possession of the said premises by writ of restitution. Forasmuch as plaintiff's beasts were at divers time wrongfully depasturing upon the premises, the said James Bothe and Robert Heylde as servants of Lord Mountegle and defendant as his bailiff distrained the said beasts "at damage fesaunt" there and impounded them : which beasts were afterwards delivered to plaintiff by virtue of divers "replevyngs" sued by plaintiff for the same, but as yet no amends has been made for the damage done.

H. 10. c. Writ dated 23rd November, 2 and 3 Phil. and Mary [1555], directed to Thomas Assheall, Esq., Peter Farrington, Robert Swaynsaye, and James Forshawye.

H. 10. f. Examinations of witnesses taken at Chorley, 9th April, 2 and 3 Phil. and Mary [1556].

John Hulton, of Brynhill [Brindle] in the county of Lancaster, tenant to Sir Thomas Gerrard, Knight, aged about 56, knows the messuage and land in variance, and that they were of the lands of Richard Grene late deceased.

Richard Grene enfeoffed Sir Thomas Buckley, late parson of Brynhill [Brindle], and Richard Haydocke of all his said lands.

Deponent was present when the said Richard delivered possession and seisin to Sir John Hampton, priest, and Richard Haydocke the younger, who made livery and seisin to Sir Thomas Buckley and Richard Haydocke the elder in the presence of witness and of Henry Totill deceased. The said Richard Grene and Agnes his wife, and one serving woman, went out of the house called Grene Hall, in Heapey, when the said Sir John Hampton and Richard Haydocke, junior, delivered seisin to Sir Thomas Buckley and Richard Haydocke, senior. Witness did not at that time see any deed nor heard any deed read until afterwards, but how long after he cannot remember.

The said Richard Grene received all the profits of the premises to his own use during his life, and after his death Agnes his wife took the same for her life. When she died Sir Thomas Buckley and Richard Haydoke, senior, took the same during the life of Sir Thomas. Witness cannot say how long Richard Haydocke has taken the profits. Sir Thomas died about 19 years ago.

William Haydocke, of Micheleton [?], tenant to Sir Richard Hoghton, Knight, and William Parr, gent., aged about 59, knows that Sir Thomas Buckley read a writing in the Grene Hall and that Richard Grene sealed the same when the enfeoffment took place, but witness cannot say what the writing contained.

Witness says that Richard Grene brought to the hands of Rauff Arrowsmith, bailiff to Lord Mountegle, 5s. of chief rent.

William Gerrard, of Redburne in Brinhill [Brindle], tenant to Sir Thomas Gerrard, aged about 63 years, and Hugh Swansey, of quhittill in le wodes [Whittle-le-woods], gent., aged about 60 years, depose as above.

Nicholas Haydocke, tenant to Sir Richard Hoghton, aged about 50, saw Richard Grene take a seal from a writing in the presence of Sir Thomas Buckley, Sir John Hampton, John Hulton and others, but does not know what the writing was. Knows that Richard Haydocke received rents of Laurence Breres for the Grene Hall.

Laurence Pylkynton, of Coppull, tenant to Lawrence Ugnall, aged about 59, says that Richard Haydocke has received the profits of the said premises of Roger Breres and his wife for 16 years; and also the profits since the death of Sir Thomas Buckley about 16 or 18 years ago.

Roger Halewall, aged about 30, lived with the said Richard Haydock for seven years.

Gyles Hulton, tenant to Nic. Butler, Esq., late deceased, aged about 40 years, was servant to the said Richard.

Johan Aspden, wife of James Aspden, aged about 56, says that for five years she paid rent to Agnes Grene, widow of the said Richard, for parcel of the lands now in variance.

Depositions on behalf of defendant.

H. 10. i.

John Geolybrande, of Chorley, gent., aged about 70, says that Richard Grene held certain lands now in variance of Thomas Stanley, Lord Mountegle, by the rent of 5s.

The ancestors of Lord Mountegle have always received the said rent. As the said Grene died without heir, general or special, the premises ought to descend to Lord Mountegle by way of escheat.

The said Lord Mountegle received two rents of Roger Breres.

Christopher Leyland, of Brinhill [Brindle], tenant to Sir Thos. Gerrard, aged about 60, says that he was never present at any possession taking of the premises, but Sir Thomas Buckley required him to go to a Commission and swear that he was present at such taking possession.

Nicholas Breres, of Healay, tenant to Peres Anderton, Esq., aged about 46, says that he married the said Agnes Grene, and that both Richard Grene and afterwards witness paid yearly during the life of the said Agnes his wife, 5s. yearly of chief rent to Lord Mountegle.

John Held, of Chorley, tenant to Lord Mountegle, aged about 60; James Halton, of Chorley, tenant to the Earl of Derby, aged about 50; and Christopher Anderton, of Heith Charnocke [Heath Charnock], tenant to Lord Mountegle, aged about 70, depose as above.

John Yate, of Heith Charnocke [Heath Charnock], tenant to same, aged about 66, says that Adam Holden, bailiff of Lord Mountegle, received one whole year's rent of the late wife of Roger Breres after the death of the said Roger.

JOHN OSBALDESTON CLAIMING AS SON AND HEIR OF SIR
ALEXANDER OSBALDESTON, KNIGHT, DECEASED, *versus*
SIR JOHN SOUTHWORthe, KNIGHT, CLAIMING AS
SON AND HEIR OF SIR THOMAS SOUTHWORthe,
KNIGHT, DECEASED, *re* TITLE TO LANDS,
&c., AT OVER DARWEN.

To the Right Hon. Sir Robert Rochester, Knight.

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[Calendar 18.]
O. 3.
2 and 3
Phil. & Mary.
[1555-56.]

JOHN Osbaldeston, of Osbaldeston, in the county of Lancaster, Esq., complains that where Sir Alexander Osbaldeston, Knight, plaintiff's father, was seised in his demesne as of fee of the manor or lordship of Overdarwen [Over Darwen], in the county of Lancaster, and died so seised, after whose decease the manor descended to plaintiff as his son and heir, who accordingly entered into the same and has taken the profits thereof until this day: But now so it is that divers deeds, evidences, &c., concerning the premises have come into the hands of Sir John Sothworth, Knight, who with divers others to plaintiff unknown in most forcible manner about the 20th day of Maye, 1 and 2 Phil. and Mary [1555], and at divers

times before and after, have wrongfully entered into one parcel of waste ground or moor called Derwynd [Darwen] moor, parcel of the premises containing 6,000 acres, and the "gresse" of your said plaintiff then and there growing have eaten with their beasts and cattle, and have dug turves to the "mounteunce" of 1,000 "lodes" and above and have carried them away. Plaintiff has often asked Sir John not only to restore to him the deeds, &c., but also to pay him for the wrong done to him, but he has always refused and still refuses so to do. Moreover he so vexes and disquiets plaintiff in the possession thereof that he cannot occupy or enjoy the said moor, to his great loss.

Prays that Letters of Commission may be directed to some worshipful gentlemen of the county commanding them to call before them Sir John Sotheworthe and to take his answer, in order to end the matter.

Writ dated 24th June, 2 and 3 Phil. and Mary [1556], directed to Sir Thomas Longton, Knight, George Browne, Attorney General of the County Palatine of Lancaster, Esq., Edward Halsall, John Fletewood, Esquires, Gabriel Hesketh and Lawrence Banaster, gentlemen.

O. 3. a.

The answer to Sir John Sowthworth, Knight.

O. 3. b.

Defendant says that Sir Thomas Sowthworth, his father, was seised in his demesne as of fee or fee-tail jointly with the Right Hon. Edward Earl of Derby of the fourth part of the said manor and moor called Derwyn [Darwen] moor parcel of the said manor, which are still undivided from the residue thereof. After the death of Sir Thomas his share of the premises descended to defendant as his son and heir, by force whereof he entered into the same and still takes the profits thereof. He has never forcibly entered plaintiff's premises.

Depositions taken at Preston on behalf of plaintiff [see O. 3, i.]

O. 3. f.

Christopher Horrocke, of Turton, son and heir of John Horrocke, of Harwood, freeholder to John Orrell, Esq., aged about 52, knows the said premises and says that plaintiff and his ancestors have been taken to be the very owners and lords thereof during all his remembrance, and that they only have caused the

waste or moor called Darwyndmore [Darwen Moor] to be driven and the beasts of strangers dwelling out of the said lordship of Overdarwynd [Over Darwen] there found without licence to be "pyndytt and ffoldett" until the owners thereof have "borrowed" the same. Deponent knows nothing about digging turves, but says that Lawrence Bradshaye, tenant to the Earl of Derby, and Robert Bolton the younger asked permission of Sir Alexander Osbaldeston, plaintiff's father, as they reported to witness, to get "sclate" on Darwyndmore [Darwen Moor] and witness then helped them to "lode and lede away" the same.

Plaintiff and John Orrell, of Turton, Esq., met upon the moors, concerning the "meyres" between the said waste called Overdarwynd [Over Darwen] and Turton moor, when plaintiff took upon him only to defend and maintain the "meyres and boundes" of the said lordship of Overdarwynd [Over Darwen].

Lawrence Pycop, of Lawer Darwynd [Lower Darwen], tenant to Ralph Levissey, gent., aged about 72 years, says that he was present when Henry Sotheworthe with others did drive the said Darwyndmoor [Darwen Moor] as in the right of Sir Alexander Osbaldeston, plaintiff's father, who gave to the said Henry (as it was reported) the moor "shaypes" towards his preferment.

Knows that Lawrence Fysshe asked licence of Sir Alexander to get turves upon Darwyndmore [Darwen Moor] and it was granted him. Plaintiff and his ancestors have usually caused such turves as were dug there without permission to be cut.

Whenever there was any dispute about the meres and bounds of the said moor plaintiff and his ancestors have only taken upon them in their own name and right to defend the matter as lords of the manor.

Christopher Walmesley, of Levyssey, freeholder to Richard Levyssey, gent., aged about 70, deposed as above.

O. 3. g.

Depositions taken at Preston, 6th January, 2 and 3 Phil. and Mary [1557] on behalf of Sir John Sotheworthe, defendant.

William Yate, of Eccleshyll [Eccleshill], aged 70, tenant to Rauff Holden, Esq., and has done service to Sir John Sotheworthe and his father before him because of his liberty upon the said waste

and moor, knows that defendant and his ancestors have been reputed to be one of the lords of the manor of Overdarwynd [Over Darwen] and of the said moor. The Earl of Derby and his ancestors, Sir John Sotheworthe and his ancestors, and John Osbaldeston and his ancestors, have been taken to be the owners of the said lordship and waste. Knows that several persons, being strangers dwelling out of the said lordship and therefore having no right, to wit, Miles Baron, Ellys Baron, George Whalley, Lawrence Harwood, George Pollard, George Yate and Katherine Yate, used the said waste ground with their cattle and got turves there for fuel by leave of defendants, Sir Thomas, his father, and Sir John Sotheworthe, his grandfather.

About nine years ago Rauff Baron enclosed a parcel of the said moor with the licence of defendant, but whether he pays any rent for the same witness knows not.

Lawrence Harwood having no right to the said waste dug turves there with the permission of plaintiff: which turves were afterwards cut and destroyed by Rauff Baron, Lawrence Gorton, Henry Maudesley and Henry Duckesbury, at the command of defendant: the occasion thereof being that the said Harwood having been retained with Mr. Sotheworth, went to plaintiff's service.

About 50 years ago Henry Sotheworthe and others drove the moor and folded the cattle of strangers who had no right there in the fold at Darwynd [Darwen], but by whose command witness knows not.

William Shorrocks, of Eccleshill, aged about 66, says that the tenants of Richard Grymshawe dwelling in Eccleshill having no right to the said waste dug turves there with plaintiff's permission, and that Sir Thomas Sotheworthe, defendant's father, caused the same to be cut.

Has heard his own wife say that Henry Sotheworthe drove the said moor at the command of defendant's grandfather.

Has also heard that it was agreed that 40 acres parcel of the said waste should be enclosed and that ten acres thereof should be to the use of the Earl Derby and John Sotheworth and their heirs,

and the other 30 acres to the use of John Osbaldeston and his heirs.

Edward Baron, of Eccleshyl, tenant to Richard Grymshaye, gent., about 50, deposes as above.

Roger Walmesley, of Samesbury, tenant to Sir John Sotheworthe, aged 70, says that he, Henry Sotheworthe and Gilbert Sotheworthe drove the said waste in right of defendant's grandfather and received the whole "moreschaypes" for the same.

William Fysshe, of Lower Darwynd [Lower Darwen], tenant to Sir Thomas Talbott, Knight, aged about 72, says that the tenants of Mr. Grymshaye dug turves on the moor by leave of Sir Alexander Osbaldeston, and Henry Mawdesley cut the same at the command of Sir Thomas Sotheworthe, who when requested gave the same persons licence to get turves there and to take them away. When the said Sir Thomas gave permission nobody was ever stopped by plaintiff or his ancestors from getting turves there.

George Aspeden, of Lawer Darwynd [Lower Darwen], tenant to Sir Thomas Talbott, Knight, aged about 78, says that a certain cottage has been heretofore enclosed with leave of Sir Thomas Sotheworthe on the moor and still remains enclosed, but witness cannot say whether any rent is paid for the same.

George Longsworthe, of Egeworthe, tenant of Edward Tyldesley, Esq., aged about 56, says that when he was seven years old his father said that his cattle were "pyndytt" at John Walshe's house for trespassing on the moor and that he paid so much for amends.

O. 3. i. Depositions taken at Preston, 6th January, 3 and 4 Phil. and Mary, for plaintiff.

John Crosse, of Overdarwynd [Over Darwen], aged 62, says that Sir Alexander Osbaldeston and his ancestors have always been reputed owners of said premises. When Sir Alexander died the same descended to plaintiff as his son and heir.

Plaintiff about six years ago kept a court at Overdarwynd [Over Darwen] in his own name and right, and his ancestors used to do the same.

Sir John Sotheworthe was called to appear at the said court, whereupon Lawrence Gorton, Rauff Baron, and Henry Duckesbury, tenants at will of the said Sir John appeared for him. Witness has heard his father and other "ancient neighbours" say that the tenants of Sir John have used to do like service at the said court in the time of plaintiff's ancestors.

The said John Osbaldeston and his ancestors have always appointed the constables within the lordship as the only lord thereof. Knows that plaintiff has enclosed parcel of the waste without let of defendant. The said Alexander likewise enclosed parcels thereof and that their tenants and farmers occupy the same at the liberty of plaintiff. Plaintiff has driven the said waste and folded the beasts of strangers. Divers persons dwelling out of the said lordship have asked permission of Sir Alexander to get turves and slate, and such as have been got without his licence have been destroyed.

Sir Thomas Sotheworthe caused turves got by the tenants of Thomas Grymshaye to be cut, and witness was present when Henry Mawdesley, servant of Sir Thomas, asked leave of Sir Alexander so to do, because of divers displeasures that Grymshaye had done to Sir Thomas.

The contention in times past between Richard Sotheworthe, defendant's ancestor, and Geffraye Osbaldeston, plaintiff's ancestor, concerned the said waste. Plaintiff and his ancestors and their tenants and farmers have always occupied the chief house and mansion place of Overdarwynd [Over Darwen] and the demesnes thereto belonging commonly called Darwyndhall [Darwen Hall] in severalty as sole tenant threof.

Henry Hyndyll, priest, aged about 65, says that Sir Alexander never to his knowledge kept a court within Darwynd [Darwen] but kept his court within his lordship of Osbaldeston, where the tenants of the Earl of Derby and Sir John Sotheworth appeared.

Plaintiff has caused a cottage to be built on the said waste and has enclosed about a "rodeland" there for which he receives 2s. rent. Has heard that Henry Sotheworthe drove the said moor at the command of Richard Osbaldeston, plaintiff's father.

Lawrence Harwood and Myles Pollard and others, dwelling out of the said lordship have asked leave of Sir Alexander to get turves, and witness was a labourer and "meane" for them to have the same. Sir Alexander likewise licensed Robert Bolton and others to get slate there. Plaintiff has caused turves got by strangers, to wit, Myles Baron, George Pollard, George Gate and others to be destroyed.

John Pyllyn, of Overdarwyn [Over Darwen], tenant to John Osbaldeston, Esq., aged about 63, and Edmond Barton, of Overdarwynd [Over Darwen], freeholder to plaintiff, aged about 43, depose as above.

THE KING AND QUEEN ON BEHALF OF JOHN RIGMAIDEN, SON
OF JOHN RIGMAIDEN THE ELDER, DECEASED, *versus*
LORD THOMAS HOLCROFTE, KNIGHT, MASTER
FORESTER OF WYERSDALE AND QUERN-
MORE FOREST, *re* OFFICE OF
MASTER FORESTER.

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[Calendar 18.]
R. 3.
2 and 3
Phil. & Mary.
[1555-56.]

INTERROGATORIES to be administered by Sir Thomas Holcroft, Knight, on behalf of John Rigmaiden, gent., son of John Rigmaiden the elder, Esq., deceased.

R. 3. a.

11th February, 2 and 3 Phil. and Mary [1556].

Sir Thomas Holcroft, Knight, of Vawell riall [Vale Royal] in the county of Chester, aged about 50, says that he had a grant from King Henry VIII. for his life of the "M^r fostershipp" of the forest of Wyresdale and Quernemore [Quernmore] in the county of Lancaster.

Being so seised, he sold all his interest therein to John Rygmayden the elder, Esq., father of the said John Rygmayden, gent., to the use of the said John, his son being then servant to witness.

Deponent surrendered his said patent to the King and Queen's Court of the Duchy of Lancaster and obtained another patent of the said office, but cannot remember the date thereof.

He delivered the patent so by him obtained to John Bradyll, gent., servant to witness to be delivered over again to the said John Rygmayden the son to his only use without any fraud or deceit. Witness gave warning to some of the keepers of the said forest to take John Rygmayden the son for their master, and willed the said Bradyll to give warning to the rest of the keepers there that the said Rygmayden the son was master foster and that deponent had "departed with the office to him."

THE KING AND QUEEN, *versus* THOMAS TALBOT, KNIGHT, AND
OTHERS, *re* COMMISSION TO SURVEY WOODS, &c., IN
LEAGRAM PARK AND BOLLAND FOREST.

WRIT dated 4th December, 2 and 3 Phil. and Mary [1555] directed to Sir Thomas Talbott, Knight, Thomas Caterall, Thomas Bradeley, and John Braddyll, Esquires.

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[Calendar 19.]
R. 7.
2 and 3
Phil. & Mary.
[1555-56.]

Commanding them to go to the Park of Lathegryme or Lagrame [Leagram] parcel of the Duchy of Lancaster to view the state of the woods and underwoods there and of the game and "deare," what kind of wood and underwood there is there, the state of the "pale" about the said park and how many "rodes" it contains, what trees will serve for the repairs of the said "pale," where the same trees can be best spared in the park, what store of trees and timber there is in the park for the continual maintenance of the "pale," &c., &c.

The Certificate of the said Commissioners.

R. 7. a.

On the 13th day of January, 2 and 3 Phil. and Mary we repaired to the Park of Lagrame [Leagram] and calling before us such persons as we thought meet, we surveyed the state of the woods and underwoods, the game, the "pale," &c.

First we find that there is no "Sapleyn" Timber within the park, but only about 30 old oaks being for the most part hollow and standing near the Lodge of the said park, and about 30 more old hollow oaks standing "abroad" there, so old that they are neither good for "house boote nor pale boote": besides that there

is only underwood and that of oller only except a few old "hollins and hassilles" [hazels] which are worth nothing if they were to be sold for the Queen's use, and are only fit for "Tynsell and fire boote" for the farmers there.

The "pale" about the park contains 1140 rodes and is in an "underfull and greate decaye," and is not able in any part thereof to keep in any deer if there were any "as there ys non at all," nor able to keep in the cattle of the farmers there: a great part of the "Circuyte" of the said "pale" is in many places fenced with "Tynsell and yarding of the said oller woode for lack of pale boote" and other timber.

We find that all the timber trees as well within the said park as within the forest of Bollande which adjoins the park will not suffice to fence and maintain the "pale" of the said park, and there is no other timber to be had for that purpose except in the said forest: and if the timber from the forest should be employed upon the said "pale" then their Majesties tenants and farmers there having some of the great mills in farm would lack timber for the necessary repairs of their farms, houses and mills, and the Queen's castles, manors and lodges within and near the said forest which have always been repaired every year with the timber from this forest would fall into decay, and the rents would diminish and the tenants and farmers impoverished, or else their Majesties will shortly be compelled to buy timber which cannot be had in any other part of Lancashire except in the said forest.

The park contains within the compass of the "pale" 468 acres "after fyve score acres to the hundreth" of all sorts and kind of ground: first there are there three parcels of arable land, one parcel called the over Lawnde and the other called Accorne Hurst, lying on the north side of the said lodge, and contains 40 acres, and the third is called the Newfalle lying on the east part of the lodge and contains six acres and is worth per acre by the year 2s. 8d. There is a certain piece of pasture within the park called the Lower Launde, lying on the south part of the lodge, containing 25 acres and is much overgrown and covered with underwood, and part thereof is barren and "Carrishe" ground and is worth

per acre one with another 20d. yearly. There is also there one parcel of meadow called the Park Grene, lying on the south side of the said pasture called the Lower Launde, containing 28 acres whereof eight acres are very "evill mossyd grownde," and is worth per acre one with another 2s. 4d. We find another parcel of the park called the Over Ende of the park, lying on the north thereof, which is "heth and mossyd" ground, some of it very barren : it contains 83 acres whereof 40 acres are all heath ground, every acre worth per annum 12d.; the other 43 acres are only moss ground, very barren, worth per acre one with another 8d. a year. There is also one parcel within the park called the Lower Ende of the park, lying south and furthest from the lodge, wherein is contained one great "Carre and Marraysshe" ground, also two great and barren mosses : the said Carre ground is commonly called Lagrame Carre and is a very "deppe and wete carre" and is overgrown with thick oller wood being underwood and with a few hollins, hassilles [hazels] and thorns, and has much waste ground in it. The said woods would not be profitable if sold, nor are they good for any other purpose : it contains 103 acres, and is worth one acre with another 12d. by the year. The said two barren mosses are called, the one Hoddes Mosse, containing 85 acres and the other the Parke Mosse, containing 98 acres, and are worth per annum one acre with another 8d.

As concerning the game and deer we find by the evidence of divers honest people dwelling near and also by our own view that there are no deer abiding or bred within the said park and there has not been any for many years past.

HENRY HALSALL CLAIMING AS GRANDSON OF SIR HENRY
 HALSALL, KNIGHT, *versus* EDMOND HOLME, RICHARD
 BARTON AND OTHERS, *re* TITLE TO LANDS, &c.,
 IN MEOLS PARISH, HALSALL MANOR,
 AND ELSEWHERE.

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 [Calendar 18.]
 H. 2.
 2 and 3
 Phil. & Mary.
 [1556-57.]

HENRY Halsall, of Hallsall, in the county of Lancaster, Esq., complains that where Sir Henry Hallsall, Knight, plaintiff's grandfather was seised in his demesne as of fee of the manor of Birkdale in the said county, and took the rents and profits thereof for more than 29 years. After his death the said manor descended to Sir Thomas Halsall, Knight, plaintiff's father, as son and heir of the said Sir Henry, who enjoyed the same for 16 years and more: after his decease the manor came to plaintiff as son and heir of the said Sir Thomas, who has quietly taken the profits thereof ever since, that is to say, for 16 years: how so it is that divers deeds, &c., concerning the premises have fallen into the hands of Edmonde Holme, gent., Richard Barton, Henry Richardson, Homfrey Barton, William Carre, and Thomas Lee, who by colour thereof on the 16th day of May, 7 Edward VI. [1553], about one o'clock "at after midnight," accompanied by more than 100 malefactors and evil disposed persons to plaintiff unknown, riotously "with harneys on their backes," and with bows, arrows, bills, swords, axes and other weapons in their hands assembled at Birkedale [Birkdale] and unlawfully entered (at the command of the said Edmond Holme) a certain house and messuage and about 600 acres of land commonly called Menedale, parcel of the said manor of Birkedale [Birkdale] pulled down the said house, took and bound Thomas Rymor, plaintiff's tenant there, and "settynge sharpe daggers and billes to his brest did manasse to slea and kyll him if he either moved or spoke, which so terrified him that he was in peril of his life for a long time afterwards." Not content with that, they on the 20th day of October, 1 Mary [1553] and at divers times after with force and arms entered the said 600 acres of land, and disturbed plaintiff's tenants and farmers so much that they could not take the profits thereof according to their right.

Prays that a writ of Privy Seal may be directed to Edmond Holme and others, commanding them personally to appear and make answer.

The answer of Edmond Holme and others.

H. 2. a.

The said Edmond says that he is seised of the manor of Anoldisdall, in the county of Lancaster, and of eight stallages or fishyards parcel of the said manor, containing 800 acres of land and more : which said manor and stallages adjoin the said manor of Birkdall [Birkdale]. The 800 acres of land here mentioned and the 600 acres of land claimed by plaintiff deponent supposes are one and the same.

Defendant further says that Richard Holme, his father, was seised of the said premises in his demesne as of fee and took the profits thereof for 13 years. After his death the same descended to defendant as his son and heir, who entered into them and took the profits thereof until about two years ago when plaintiff made a pretended title thereto, claiming them as parcel of the said manor of Birkdall [Birkdale], whereas all the said manor of Birkdale is within the parish of Mele [Meols] and the said manor of Anoldisdall and the said stallages or fishyards are in the parish of Walton. Plaintiff then caused certain persons to set up a . . . frame upon a parcel of the 800 acres intending probably to make a little house there. When defendant heard this he commanded the rest of the defendants, being his servants, to go quietly in the day time to the said frame and to pull it down. Defendants say they went without weapons except staves such as they use to walk with and quietly pulled down the frame or house.

The replication of Henry Halsall, Esq.

There is no manor in Lancashire called Anoldesdale, but plaintiff has often heard it reported for a truth that there was a certain town in time passed called Aynesdale near adjoining the said 600 acres of land called Meanedale, wherein the said Edmond Holme one of the defendants had certain lands or tenements : which said town time out of mind has been and is still "overflowen" with the sea so that there remains no remembrance thereof now. In consideration of the said lands the said Edmond and his ancestors

H. 2. b.

have had for a long time certain stallages or fisheyards within the bounds and meares of the sea near adjoining the said manor of Birkedale [Birkdale], in the place where the said town of Aynsdale used to stand, which are the 800 acres of land called stallages and fysheyards mentioned in the said answer, by pretence whereof the said Edmond now claims the 600 acres of land mentioned in the bill, which are pasture or arable land, there never having been stallages or fisheyards there.

H. 2. c. Writ dated 27th September, 2 and 3 Phil. and Mary [1555] directed to Myles Seddon, Robert Shawe, John Ogle, and Thomas Wolfall, gentlemen.

H. 2. d. The Certificate of Myles Seddon and Robert Shawe.

We met at Byrkedale [Birkdale] 13th April, 2 and 3 Phil. and Mary, and examined witnesses brought before us on behalf of Henry Hallsall, whose answers we enclose. None of the defendants appeared before us on that day.

H. 2. e. Depositions taken at Byrkdale [Birkdale], 13th April, 1556.

Thomas Hesken, of Downholland, gent., aged 60 and more, charterer to their Majesties of the Hospital of St. John of Jerusalem in England, says that during all his remembrance the said land has been called Meynedale and Byrkdale Hawes: it adjoins the manor or lordship of Fornebie [Formby]. Deponent knows the "meares and bondes" between the manor of Fornebie [Formby] and the said ground: they begin at a place called the Springwale near to the dēmynge of Aynsdale, and from thence following certain stoupes to the Brownhill or Browne brante, and so to the fawcone hawe, and so westward into the sea. The said spring wale stood directly head upon head "anenst" Halsall windmill and Ormeskirke Church, and the said stoupes stood directly between the said Springwale and the sea.

All the ground lying on the north side of the said meares and bounds are and always have been taken to be parcel of the manor of Birkedale [Birkdale].

Sir Henry Halsall, Knight, grandfather of plaintiff, and after his death Sir Thomas Halsall, Knight, his son, plaintiff's father died seised of all the ground lying on the north side of the said

meares and bounds as of their own proper inheritance to them and their heirs for ever. They and plaintiff all held it as parcel of the said manor of Byrkdale [Birkdale]. Deponent was about nine years old in the time of the said Sir Henry Halsall and has been at the driving of the said ground with the servants of Sir Henry Halsall.

Sir Henry, Sir Thomas and plaintiff have continually taken the yearly rents and profits of the ground "in taking of score thereunto" without interruption of anybody. During the minority of plaintiff witness received the score for the cattle pasturing on the ground at the command of William Holcroft, the King's Feodary in Lancashire.

The above have yearly caused all the beasts and cattle had to score and agistment on the said ground, to be driven, impounded and kept in fold once in the year until the owners thereof have agreed with them for the score and pasture of the same.

The beasts of the inhabitants of Fornbie [Formby] escaping and coming into the said lands, over the said meares and bondes have been pinned and impounded by the keepers there appointed by the ancestors of plaintiff. Sir Henry Halsall caused a fold to be made upon the said lands and used to impound cattle therein.

Edward Harker, of Barton, aged 80, tenant to Sir Thomas Heskethe, Knight, perfectly remembers that the said stoupes stood between the said Springe Walle and the sea.

The said Sir Henry and Sir Thomas Halsall appointed William Rymor, of Fornbie [Formby], William Aynsdale, of Fornbie [Formby], and Alen Awtie, of Barton, to be keepers of the said ground.

Thomas Pye, of Lydyate [Lydiate], aged 73, tenant to their Majesties, says that about 40 years ago, for want of good keeping the cattle of Fornbie [Formby] used to trespass upon the said ground, and the cattle scored or laid to pasture to Master Halsall to the said land would trespass on the land in Fornbie [Formby], whereupon much unpleasantness occurred by impounding the cattle upon both parties. It was then agreed between the lords of Halsall and the inhabitants of Fornbie [Formby] that the cattle

of both parties should depasture and feed together on both sides of the said meares without any impounding, except any cattle of Fornbie [Formby] at the time that the lords of Halsall caused the cattle depasturing upon the said ground at the score days to be driven to the manor of Halsall, when the inhabitants of Fornbie [Formby] were to resort to Halsall to claim the same without paying anything.

Richard Rymor, of Egregarthe, aged 87, tenant to Henry Halsall and Laurens Irelande, Esquires, Edmund Davye, of Barton, aged 80, tenant to Sir Thomas Heskethe, Knight, and Edward Yate, of Scaresbreke, aged 80, tenant to James Scaresbreke, Esq.

The said Richard Rymor says that William Rymor his father was "pynnder" for Master Halsall and keeper of the lands in variance when witness was about nine or ten years old, and witness has helped his said father to impound cattle found trespassing into the said fold, and upon a score day has helped to drive the cattle pasturing upon the said land to the manor of Halsall.

SIR WILLIAM LANGLEY, CLERK, PARISH OF PRESTWICH RECTORY,
versus RALPH JACKSON AND OTHERS, *re* CLAIM TO
 MESSAGE AND LANDS IN OLDHAM
 AND PRESTWICH.

To the Right Hon. Sir Robert Rochester, Knight.

SIR William Langley, parson of the Parish Church, Rectory and Parsonage of Prestwich, in the county of Lancaster, complains that where he and his predecessors, parsons of the said Church, from time immemorial have always been seised in their demesne as of fee of 13 messuages, two barns, and eight acres of meadow and pasture lying in Prestwhiche [Prestwich] and Oldam [Oldham] in the said county, whereof three messuages with the appurtenances are in the several tenures of Rauffe Jacson, James Brerelay, and Sir Thomas Shorokes, clerk, and are of the clear yearly value of 28s. 4d., to wit, the messuage in the occupation of the said Rauffe Jacson is worth per annum, clear 13s. 4d., that in

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 [Calendar 4.]
 L. 6.
 1 and 2
 Phil. & Mary.
 [1556-57].

the holding of the said James Brerely 10s., and that in the tenure of Sir Thomas Shookes 5s., as by the old accustomed rent of the same : and of certain chief rents issuing out of sundry lands, tenements and hereditaments in Prestwich amounting in the whole to the clear yearly value of 4s. 10d. as parcel of the possessions of the said Church, and have always taken the issues of all the said premises, and also the rents to their own use without interruption from anybody, until about five years ago when William Langlay late parson and incumbent of the Church died seised of such estate, after whose death plaintiff was admitted and inducted into the same and has continued there for four years and more, during which time he has suffered the said Rauffe Jacson, James Brerelay and Sir Thomas Shorokes to occupy their said tenements, the rents of all of which still remain unpaid. Lately plaintiff has asked for the arrears of the said rents amounting to £4 5s. 0d., but the said Rauffe, James, and Sir Thomas all refuse to pay anything, and they retain forcible possession of the tenements so that plaintiff cannot "amove" them, thinking thereby at length to get a continuance of possession thereof, and so to exclude him and his successors for ever.

As some charters, deeds, &c., relating to the said premises have casually come into the hands of the said Rauffe, James, and Sir Thomas, they have now of late, as plaintiff has been informed, devised divers "fetchis" and sinister practises to disinherit him of the premises. He therefore prays that a writ of Privy Seal may be directed to the said Rauffe Jackson and others, commanding them to appear and make answer.

Sir William Langlay, parson of the parish church, rectory and parsonage of Prestwhiche [Prestwich] complains that where he in right of his said Church is *inter alia* seised in his demesne as of fee of certain messuages, lands and tenements in Prestwich and Oldam [Oldham]. And now so it is that sundry parcels of the premises have for a long time been and still are occupied by agreement of plaintiff and his predecessors together in common with the lay fee of divers worshipful men insomuch that the certain bounds and "meres" of the premises are not certainly known

L. 6. a.

except to a few aged persons by reason whereof if they should happen to die before they had declared the truth according to their knowledge which plaintiff cannot oblige them to do, unless this court gives him lawful aid, because the said aged persons are tenants to such men as have already practised to vex plaintiff concerning the said bounds and "meares," and as it is credibly reported are now waiting until after the death of the said old people, intending then "eftesones" to trouble plaintiff concerning the premises.

Prays that a Commission may be sent to certain worshipful men in the county of Lancaster authorising them to call before them at a time and place by them appointed such persons as plaintiff shall nominate and to examine them concerning the premises. If any refuse to answer the said Commissioners may enjoin them under a certain pain to appear at Westminster to make answer there.

Termino S̄ci. Hiſt A° Regno° Phi et Marie iij. et iiij. [1557].

Fiat Commissio ut supra.

The Commission to be directed to Sir Thomas Talbot, Knight, Thomas Catterall, Robert Holte, Esquires, and Sir Richarde Jones, clerk, to be answered on the morrow of Trinity next.

ANDREW VAVASOR, *versus* SIR WILLIAM NORRIS, KNIGHT,
JOHN COKE AND ROBERT NORRIS, *re* TITLE TO
CHILDWALL PARSONAGE AND TITHE CORN.

*To the Right Hon. Sir Robert Rochester, Knight, Comptroller of
the Queen's house and Chancellor of the Duchy of Lancaster.*

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[Calendar 9.]
V. I.
3 and 4
Phil. & Mary.
[1556-57.]

ANDREW Vavasor, of the Middle Temple in London, Esq., complains that where King Henry VIII. was seised in his demesne as of fee of the parsonage of Childwall in the county of Lancaster, lately belonging to the dissolved Priory of St. Thomas the Martyr in Holland, in the county of Lancaster and parcel of the possessions thereof, and now parcel of the possessions of the Duchy of Lancaster, and so seised, by indenture made between

His Majesty of the one part and John Chatterton of Porchemowthe [Portsmouth] in the county of Southampton, Esq., of the other part, dated 10th July, 29 Henry VIII. [1537] granted the said parsonage with all the tithes, oblations, profits, &c., to the said John Chatterton to hold for 31 years, he paying yearly for the same £56 16s. 4d.

So seised, the said John Chatterton by indenture made between himself of the one part and plaintiff of the other, dated May 1 and 2 Phil. and Mary [1555], demised all the said premises to plaintiff for four years, he paying a certain yearly rent [amount not given] for the same at the "font Stone in the Cathedral Church of St. Pall in London," besides the said rent of £56 16s. 4d., by force whereof plaintiff entered into the same, took the tithe wool and lamb, and enjoyed his possession "very well" until the 24th of August last when Sir William Norrice, Knight, John Couke, and Robert Norres with 12 others to plaintiff unknown, riotously entered into divers parcels of the said parish and with force took out of plaintiff's possession a great part of all the tithes of corn within the said parish of Childwall, to wit, at Garstone 40 loads of barley, 60 loads of oats, and six loads of wheat, at Hoylet [Oglet] and Suche 20 loads of barley, 10 loads of oats, and three loads of wheat; and at Littill Wootton 12 loads of rye.

As the said Sir William is a man of great power and might plaintiff is not able to "try with him" at the common law, but is likely to be impoverished for ever and unable to pay the rents to their Majesties. He therefore prays that writs of Privy Seal may be directed to the said Sir William Norrice and others, commanding them to answer the premises.

The answer of Sir William Norres.

V. I. a.

It is true that defendant had the said tithe corn arising and growing in the towns of Moche Wotton and Lyttyll Wotton [Woolton] parcel of the parsonage of Childwall, of the grant of Sir Thomas Bengor, Knight, for the year last past, the term thereof ending at the feast of the Annunciation last, and as he was not discharged by Sir Thomas he thinking he might still enjoy the same, caused certain rye, parcel of the said tithe corn, to wit, 12 mettes, in August

last to be "inned" in a barn commonly called Wooton barn, in the town of Muche Wooten [Woolton] to the intent to have straw to thatch the said barn where it was decayed, whereupon defendant caused the said rye to be threshed and converted the same to his own use. Afterwards, defendant hearing that plaintiff had an interest in the said rye and wished to have the same in his own possession offered to recompense plaintiff either by giving him 12 other "mettes" of rye as good as what he had taken, or by paying for what he had taken. Plaintiff appearing to be quite satisfied came to defendant before the said "strve" was put on the said barn and asked for the key thereof which defendant at once gave him.

The said John Chaterton, long before plaintiff had any interest in the said parsonage demised the same to Sir William Leylande, Knight, for divers years yet to come, and the said Sir William demised the said tithe corn growing in Garston and Allerton, parcel of the parsonage and half of the tithe of Speke also parcel of the parsonage to Lawrence Irelande, Esq., and who granted his interest therein to defendant who is still possessed thereof. The said Sir William Leyland being possessed of the tithes in Hogtelle [Oglet] and such parcel of the said parsonage demised the same by the name of the half tithes of Speke to defendant for divers years yet to come, by virtue whereof he has taken the tithe corn from the same arising.

V. I. b.

The replication of Andrew Vavasor.

It is true that the said Sir William Leland had all the premises at the hands of the said John Chatherton by lease, but plaintiff says that in the same lease there was a condition that the said Sir William should pay to the said John £12 yearly at Michaelmas or within 40 days next after in St. Paul's Cathedral, London, or else the said John to enter. The said John the "last instant of the Eight Day of Novembre," 1 Mary [1553], being the 40th day after the feast of St. Michael demanded the said rent and as it was not paid he entered the premises and avoided the said lease.

V. I. c.

The rejoinder of Sir William Norres.

Defendant says that Thomas Molyneux his servant went to the

said font stone in St. Paul's Church about three o'clock of the afternoon of the said day and remained there until the sun set, and there counted out the sum of £12 and declared in the presence of divers honest men that he was ready to pay the rent according to the condition but that there was nobody ready to receive it.

Commission dated 10th November, 3 and 4 Phil. and Mary [1556], directed to Sir Richard Shirburne, Sir Philip Egerton, Knights, John Fletwood, and John Molyneux, gents.

V. I. d.

20th June, 2 and 3 Phil. and Mary [1556].

V. I. g.

John Roberts, of London, draper, aged about 47, was present 8th November, 1 Mary [1553], at the "fownt stone" in Powelles, London, when the said Thomas Molyneux was there ready to pay the said £12 to John Chatterton. Deponent helped the said Thomas to "tell" the money. Deponent once before offered to pay it to the said Chatterton, but he refused to receive it saying there was more due to him from the said Sir William Norres than £12.

The said Molyneux waited in the Church from three in the afternoon until sunset, but nobody was there to receive the money.

Deponent went with the said Molyneux to bear witness that he was ready to pay the money and persuaded him to take with him £3 besides the £12 in case the said Chatterton should find fault with any of the money. Besides deponent there were present Mr. Powell one of the Queen's servants, — Bowes, with divers others.

Certificate of said Commissioners.

V. I. h.

"Pleaseth hit yor honourable Mastership to be advertised that wee Sir Phillipp Egerton and John Molynas have Sitton" at Garstan [Garston] in the county of Lancaster, the 22nd January, 3 and 4 Phil. and Mary [1557] and taken the depositions on behalf of defendant. Neither the said Andrew Vavysser nor any other for him appeared before us the said day.

Thomas Davyson, of Appotan, aged about 40, tenant to their Majesties knows the parsonage or rectory of Childwall and the towns and hamlets of Garstan, Allerton, Speke, Oglett and Suche within the parish of Chyldwall [Childwall].

Sir William Leyland, Knight, demised the tithe corn yearly growing in Garston and Allerton and also the half tithes of Speke to Lawrence Jerland, Esq., during his term therein, by virtue whereof the said Lawrence enjoyed the same for about seven or eight years, and granted his estate therein to defendant, who occupied the same and took the profits thereof.

Sir William Leyland demised the tithe corn of Oglett and Such by the name of the half tithes of Speke to defendant for divers years yet to come: which said tithes have always been "ined" in a barn at the Hall of Speke.

Robert Ballard, of Speke, tenant to Thomas Chernoke, Esq., about 60 and more, says that defendant and all the assigns of the said Sir William Leyland have peaceably since the 8th November, 1 Mary [1553] occupied the said tithes without vexation or trouble from the said John Chatterton.

James Plowmbe, of Allerton, tenant to Richard Leathome, Esq., aged about 50, deposes as above.

Thomas Wollfall, of Wollfall, gentleman, tenant to the Earl of Derby, aged about 50, was present when Sir William Leyland granted the half tithes of Speke to defendant and promised to seal him a lease thereof; also when defendant paid the said Sir William £4 for the fine thereof.

Robert Cawdall, servant to George Ireland, Esq., aged about 41, says that John Chatterton received the rents due from the said parsonage of Chyldewall [Childwall] at the feast of St. Michael, 1 and 2 Philip and Mary [1554]. Deponent was one of those who paid and the said Chatterton sealed and delivered an acquittance therfor.

Thomas Huchmore, of Garston, tenant of their Majesties, aged about 50; Hugh Whytfelde, of Garston, tenant of Henry Amott, aged about 60; Peers Challyner, of Garston, tenant of the Mayor of Hudpole [*sic*], aged about 50, say that defendant has always had the tithes of Oglett and Such as parcels of the half tithes of the lordship of Speke.

Thomas Molyneus, of Gerstam [Garston], servant to Sir William Norres, Knight, aged about 30, has seen the lease made

by the said Sir William Leyland to defendant of the tithe barn of Gerstan [Garston].

Deponent on the said 8th November, 1 Mary, being the 40th day after the feast of St. Michael came to the "fontston" in St. Paul's, where he remained from three o'clock to sunset ready to pay £12 to John Chaterton : which said £12 he "telled" in the presence of divers persons, but nobody came to receive it.

Deponent declared to Mr. Roberts, of London, Mr. Powell the Queen's servant and others what he was waiting for.

Deponent went to Mr. Chaterton's lodgings at Westminster the day before the said tender and asked to see him. The maid of the house said he was in his chamber and went to tell him that deponent had come to pay him £12. Soon after one of the servants of the said Chaterton came down and told deponent that his master was not in the house. Deponent told him also why he had come and then went away, but called again on the day after the tender when the servant told him that his master had gone to Church. Deponent supposing that the servant was dissembling with him as he had done before, went across the street to the house of one Dodd, a tailor, and watched for a short time. Soon afterwards the said Chatterton came out of the house whereupon deponent went up to him and tendered the money to him, but he refused it saying he wanted 26s. 8d. more for Walton barn, whereto deponent replied that he had no warrant to pay more than the £12.

William Emott, servant of the said Chaterton, received the said £12 with other money due to the Queen by the hands of John Waynwright to the use of the said Chaterton in the chamber of Mr. Carus in the Temple, and the said Emott then and there gave an acquittance for the same.

The said Chaterton received the next year's rent by the hands of Robert Cardall and deponent gave an acquittance for the same.

Plaintiff received the rent payable by defendant for Gerstan barn and the tithes thereunto belonging "fore the suit commenced and gave an acquittance therefor."

Philippe Eggerton.

John Molyneux.

DECREES AND ORDERS, PHIL. AND MARY, BK. 10, Fo. 229,
TRIN. TERM: 2 AND 3 PHIL. AND MARY [1556].

Inter
Andream
Vavasour 9 et
Willm.
Norres
mil.
defendant.

Whereas matter is depending in variance between Andrew Vavasour, plaintiff, and Sir William Norres, Knight, defendant, concerning the possession and interest of a certain term of years yet enduring of the tithe corn of Speke, Garston, Allerton, Oglet, and Sowche, in the parish of Childwall, in the county of Lancaster, forasmuch as the parties be at perfect issue cannot be tried and proved sufficiently to this Court this term nor the full determination of the same matter had according as to equity appertains. It is therefore ordered that two indifferent persons appointed by the said parties, to wit, Hamlet Stockelett, gent., and John Parke, yeoman, shall view the said tithe "cornes" arising this year in the said places, inned in the barns where they are usually inned, and that both the plaintiff and defendant shall peaceably permit this to be done. And forasmuch as contention might arise as to who should disburse the charges of inning the said tithes, and some losses in the same thereby to be to him "that right hath." It is ordered that both the said parties shall pay to the said indifferent persons 20s. on the feast day of St. James the Apostle next coming towards the inning of the said tithes, and that the party who shall prove his interest good and effectual shall repay to the other party the said 20s.

DECREES AND ORDERS, PHIL. AND MARY, BK. 11, Fo. 188.
HILARY, 2 AND 3 PHIL. AND MARY [1556].

Inter
Vavasour
et Norres.

Whereas in Michaelmas term last Sir William Norres was enjoined on pain of £100 to be levied of his lands and goods, from taking any of the tithes belonging to the parsonage of Childwall being in variance between himself and Andrew Vavasour, but to allow the said Vavasour quietly to enjoy the same: The said Sir William showed two several leases dated 22nd March, 29 Henry VIII. [1538], whereby it appears that there are certain tithes mentioned in the said bill of complaint which belong to the said Sir William for certain years yet to come, he paying therefor certain yearly rents wherefore the premisses considered. It is now

ordered that the said Sir William Norres shall from henceforth peaceably occupy and enjoy all the said tithes belonging to the said parsonage specified in the two leases without molestation from the said Andrew Vavasour. Also the said injunction concerning the tithes granted to the said Sir William be utterly dissolved.

RICHARD VENABLES, THE SHERIFF'S BAILIFF, *versus* THOMAS
RISE, AND OTHERS, *re* ALLEGED CONTEMPT OF
COURT AT FORMBY.

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[Calendar 15.
V. I.
3 and 4
Phil. & Mary.
[1556-57.]

INTERROGATORIES to be administered to Thomas Rise on behalf of Richard Venables informer for the King and Queen.

V. I. a.

Interrogatorie to Thomas Lightmarke on behalf of the said Richard Venables.

4th July, 3 and 4 Phil. and Mary [1557].

V. I. b.

Thomas Ryse, of Formebye [Formby], husbandman, aged about 54, is tenant to Sir Richard Molyneux, Knight, and says that neither the said Sir Richard nor any of his servants ever commanded deponent or any other person in Formebye [Formby] that if anybody came to serve their Majesties proces in Formebye [Formby] they should not take it.

On a Sunday about Candlemas Day last the deponent was at the Chapel of Formebye [Formby] and came out when the service was over with Richard Venables and others. When within a "flyght shoote" of the said Chapel deponent asked the said Venables what he wanted and he said nothing, whereupon deponent said he was welcome. Then John Poley willed Venables to take out the said proces which was against deponent. Witness asked for a copy as he did not know that the said Venables was the Sheriff's bailiff, and said he would obey it. As they were talking together Richard Formebye, a light fellow, suddenly took a paper out of Venables hands, whereupon Poley said "what, will ye eate us that ye gather yor selffes together." Deponent answered that he would be surety for all present that they should not wrong the said Poley, who replied that he and Venables would fight any

two in Formeby [Formby] hand to hand, but witness said that if any present offered them any wrong they should no longer dwell in the said town.

After the said Venables and Poley had gone, deponent met the said Richard Formeby and demanded the said paper which was thereupon given to him.

Deponent sent Roger Ryse his son with the said paper to John Lightollers, servant to Sir Richard Molineux, but whether it came into the hands of Sir Richard witness knows not. His said son brought the paper home with him.

The said Sir Richard sent deponent to Sir Edmund Trafford, Knight, Sheriff, with the precept and paper and his letter that deponent should put in sureties and pay fees.

There was a wedding and divers persons whose names deponent does not know were coming from the said Chapel.

Does not know that anybody struck the said Venables with his staff.

Thomas Lyghtwarke, of Formeby, husbandman, aged about 60, says he is not a tenant of Sir Richard Molineux, but is and for a long time has been at his commandment.

ROGER RYGBY, *versus* WILLIAM BRADSHAGH, *True* CLAIM TO
GOLD AND SILVER COIN AND BREACH OF TRUST.

To the Hon. Sir Robert Rochester, Knight.

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[Calendar 4.]
R. 2.
4 and 5
Phil. & Mary.
[1557-58.]

ROGER Rigbye, of Haghe [Haigh], in the county of Lancaster, husbandman, complains that where William Bradshagh, of Haspull [Aspull] in the said county, gent., "of very malice" without any just cause commenced an action upon the case against plaintiff in the court of Richard Gerrarde, clerk, parson of the Parish Church of Wigan in the said county, in the court at Wygan [Wigan] before the Steward there, whereupon plaintiff was attached: and afterwards the said William Bradshagh alleged that on the 13th day of January, 3 and 4 Phil. and Mary

[1557], at Wigan he delivered to plaintiff 207 angels of gold, 22 old royals of gold, 84 crowns of gold, six ducats of gold, five pistolls, seven French crowns, and one "Sufferaigne" of gold, and that plaintiff took all the said gold and promised to deliver it just as he had received it to the said Richard Gerrarde, to be safely kept to the use of the said William Bradshaghe, and that plaintiff afterwards, to wit, on the 14th day of January in the said year deceitfully and dishonestly converted the said gold pieces to his own use, and in their places put other pieces of gold of less value, and by this means had deceived the said Bradshagh to the amount of £30. And forasmuch as the said Bradshagh was very friendly with the said Richard Gerrarde being lord and owner of the said court of Wigan, and because the said gold was delivered to the said Richard exactly as he had received it, and fearing that he could not have "indifference" in the said court, plaintiff sued forth a writ of *Accedas ad Curiam* to remove the said action, which said writ was executed accordingly by the sheriff and the tenor of the said record returned before the Justices, who at the general sessions held at Lancaster, the 24th day of August, 4 and 5 Phil. and Mary [1557] dismissed the suit because the said Bradshagh did not follow it after it was removed before the Justices, and ordered the said Bradshagh to proceed no further in the action, and plaintiff to be discharged: But now so it is that the said Bradshagh hoping for the support of the said Gerrard his steward and minding the impoverishment of plaintiff's wife and children since the removing of the record from Wigan to Lancaster, has prosecuted and followed up the action at Wigan, meaning to condemn plaintiff in the sum of £30.

Forasmuch as plaintiff is a very poor man and of small substance, having a great charge of a wife and young children, and unable to defend the said suit against defendant who is rich and great kinned and alied as well in Wigan as in all other places within the said county, and whereas if redress be not speedily made plaintiff will shortly be condemned in the said sum of £30 and put in prison, he prays that a writ of injunction may be directed to William Bradshagh commanding him to stay prosecution and also personally to appear and answer.

R. 2. a. Writ dated 17th February, 4 and 5 Phil. and Mary [1558] directed to Miles Gerrard, John Wrightington, Esquires, and James Forshawe and Charles Gee [Leigh?], gents.

R. 2. b. We the said Mylys Gerrard, John Wrightington, Esquires, and Charles Leigh, gent., according to the tenor of the writ to us directed were at Wigan the 11th day of April, 4 and 5 Phil. and Mary [1558], and there called before us the said William Bradshagh and took his answer which we delivered to Roger Rygbye and appointed him a day, to wit, the 18th day of April, to be before us at Wigan with his replication, at which time he appeared and said he could not get any counsel to draw up his replication and wished for a longer day. We then gave him the 22nd of April, upon which day the said Bradshagh brought in divers persons as witnesses to prove that his answer was true, and the said Rygbye again appeared without his replication, for lack whereof we could not examine any more witnesses.

Mylys Gerrard, John Wrythtynton, Charles Leigh.

R. 2. c. The answer of William Bradeshawe.

Defendant says that he being very ill about the 6th day of January, 3 and 4 Phil. and Mary [1557], and having in his custody certain sums of gold, to wit, 207 angels, 22 old "Ryolls," 88 crowns, six ducats of gold, five pistolles, seven French crowns and one sovereign, upon the faithful trust he reposed in Richard Gerrarde, clerk, parson of Wigan, sent for the said Richard, and declared to him how he would like the said gold to be used if he should happen to die. Afterwards defendant finding that he was getting very feeble and not likely to live, sent for plaintiff being his "alliance" and as he thought his trusty friend and delivered to him all the said gold on the 13th day of the month of January at Ashepull [Aspull] wrapped up in certain linen clothes and put in a bag, to deliver them over immediately to Richard Gerrarde who was then at Manchester, and this plaintiff faithfully promised to do. But after he had received the same he very deceitfully opened the said bag, and took out of it one ducat, 88 angels and two "ryolls," and put in instead 11 pistolles, three half crowns, seven "crwsadoys,"¹ 11 crowns of five shillings, 44

¹ Crusado a Portuguese Coin.

French crowns and two half angels, and then gave the residue of the said gold to Richard Gerrarde, but would not allow him to make him out a bill whereby the receipt thereof should be witnessed. When defendant discovered the fraud and had recovered from his illness he caused plaintiff to be attached to answer the same in an action upon the case as was lawful for him to do, without that that defendant hoping for the support of the said Gerrarde, his steward brought the said action, &c.

The replication of Roger Rigbye.

R. 2. d.

Plaintiff says that defendant required him for some reason or purpose to him unknown, to take at his hands certain gold wrapped and tied up in linen clothes, and to take the same to Richard Gerrarde, but he does not know the number of pieces of gold there were, nor their value, neither does he know to this day, as defendant did not count them over to him. Plaintiff without any delay or tarrying in any place delivered the said gold to Gerrard without altering or changing any of the pieces.

GILBERT BANYSTER, *versus* HENRY BANYSTER, *re* TITLE TO
CHANNY LANDS AND BELONGINGS TO ST. HELENS
CHAPEL IN TARLETON, AND DEPOSITIONS AS
TO CHAPEL YARD, THE ARMOTS OR
HERMITAGE, THE HERMIT'S
HOUSE, &c.

To the Right Hon. Sir Robert Rochester, Knight.

GILBERT Banystre complains that where King Edward VI. by reason of statute made in the first year of his reign for the dissolution of free chapels, chantries, and brotherhoods, and by certain statutes made in the time of King Henry VIII., father of the present Queen, whereby all lands, tenements, and hereditaments belonging to any ecclesiastical or religious person were given to the King, was seised in his demesne as of fee, in right of his Crown of England of a chapel called St. Elynes [St. Helens] Chapel of Tarleton in the county of Lancaster, a piece of ground wherein

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[1557-58].

the chapel stands, called the chapel yard ; a house or tenement built within the chapel yard for such a person, as had professed the religion of a hermit ; half acre of meadow and half acre of arable land thereto belonging, and divers other lands and tenements situate in the parish of Tarleton, of the yearly value of five pounds or thereabouts, of ancient time given for the sustentation of a priest for ever within the chapel : the profits of which premises have always been used to find a priest to say divine service in the said chapel : Now so it is that Henry Banestre being privy that the chapel yard, the hermit's house, half acre of meadow and half acre of land employed to the use of the hermit and one tenement with an orchard and two-and-a-half acres of land in Tarleton, parcel of the said premises given for the finding of the priest were omitted from the certificate or presentment thereof made, obtained a lease from King Edward VI. for certain years in the said premises. Plaintiff by deed indented under the seal of the court of the Duchy of Lancaster obtained a lease of the same at the yearly rent of 9s. 4d., by force whereof plaintiff at Michaelmas last came to the said premises, thinking to enter into the same, but Henry Banestre wrongfully kept him back, claiming the same as his own inheritance, and will not suffer him to enjoy the same. As plaintiff was never yet possessed of the said tenement, &c., he is clearly without remedy at the common law.

Prays that Letters of Injunction may be sent to the said Henry Banestre commanding him to avoid from the possession of the said premises and to suffer plaintiff to occupy the same.

Hilary term, 3 and 4 Phil. and Mary [1557].

[This document is quite illegible in parts].

B. 1. a.

The answer of Henry Banister, defendant.

Defendant says that as to the said chapel yard, one Richard Banester his ancestor was seised thereof as parcel of his manor of Tarleton, in the parish of Croston, in the county of Lancaster, in his demesne as of fee, and thereupon for the ease of the inhabitants of the said manor being far distant from the parish Church of Croston and often prevented by the rising of the great waters and rivers there from going there to hear divine service, with the licence

as well of the Pope as of the Ordinary of the diocese built the said chapel which was ever after used as a chapel of ease until now of late that the same was pulled down and carried away by Sir Thomas Heskethe, Knight. The said chapel and yard were always taken to be the inheritance of defendant's ancestors and Richard Banester, grandfather to defendant, was seised thereof in his demesne as of fee: after his death the same descended to William Banester his son and heir during whose life the said Sir Thomas Hesketh took away the said chapel. After the decease of the said William the said premises descended to defendant as his son and heir, who accordingly entered into the same. As to the said half acres of meadow and arable land, defendant's said grandfather was seised of the same which descended to defendant as abovesaid. As to the said tenement, orchard, garden and two-and-a-half acres of land, Sir George Dandie, clerk, was thereof *inter alia* seised, and thereof enfeoffed divers persons to perform his last will: by which will he declared that the said feoffees should be seised thereof to the use of himself for life, and after his decease, to the use that the said Richard Banaster, defendant's grandfather, and his heirs should have the nomination and "conduçon" of all the tenants of the said last recited premises. This he accordingly did during his life and after his death the said William his son enjoyed the same, and now defendant puts in the said tenants.

The replication of Gilbert Banystre, plaintiff.

B. 1. b.

Plaintiff says that King Henry VIII. sold the said chapel to the said Sir Thomas Hesketh, who afterwards pulled it down. Hugh Dobson, late hermit there and his predecessors, hermits, have dwelt in the said tenement and let out the said chapel yard and received the profits thereof for 60 years and more.

Commission dated 8th May, 4 and 5 Phil. and Mary [1558], directed to John Fletewood, John Westbye, Pers Anderton, Esqrs., and James Forshæ, gent.

B. 1. c.

Depositions taken at Tarleton, 16th June, 4 and 5 Phil. and Mary [1558], Sir Thomas Wylldyng, priest, chaplain to William Kyrkebye, of Rawclyff, Esq., aged about 54, knows a parcel of land

B. 1. f.

lying in Tarleton called the chapel yard ; also a chapel sometime standing upon the same called St. Elyns Chapel of Tarleton.

The said chapel and yard have during the time of deponent's remembrance always been taken as parcel of the manor of Tarleton and of the inheritance of the ancestors of the said Henry Banaster. The said chapel was used as a chapel of ease by the sufferance of the ancestors of the said Henry until the dissolution thereof.

Sir Thomas Hesketh caused the said chapel to be taken down and carried away in the lifetime of William Banaster, Esq., father of the said Henry.

Richard Banaster, Esq., grandfather of the said Henry was seised of the said premises as of his own proper inheritance : after his death they descended to the said William his son, who held the same until the said chapel was pulled down : after his decease the said chapel yard descended to the said Henry who took the profits thereof until the beginning of this suit.

The said half acre of meadow and half acre of arable land have always been taken for the inheritance of the said Henry Banaster whose ancestors were thereof seised.

Deponent knows Hugh Dobbesson supposed lately to be hermit of the said chapel who "used himself as a hermit," but does not know where and of whom he was professed.

The said Richard, William, and Henry Banaster have respectively demised the said tenement, orchard, garden, and two-and-a-half acres of land, and since the death of Sir George Dandye, priest, they have received the issues thereof.

John Langley, of Burscogh [Burscough], aged 35, tenant to their Majesties, says that the said Hugh Dobbesson sometimes used himself as a hermit and sometimes otherwise.

William Tuyson, of Croston, aged about 78, tenant of George Nelson, of Croston, as above.

William Breakell, of Tarleton, aged about 40, tenant of the said Henry Banaster, as above.

James Walbanke, of Sollom, aged about 76, tenant to the said Henry, as above.

Thomas Wyldyng, of Bretherton, aged about 48, tenant to the Earl of Derby, says that he heard Thomas Walbanke late tenant of the said half acres of meadow and land confess on his deathbed that [he took the said half acre of meadow from Mr. Richard Banaster, grandfather of the said Henry. The said Thomas told Robert Dandy the elder that he never gave any fine to the said hermit and never took one from the said Dobbesson, hermit.

Hugh Hoydges, of Bretherton, aged about 66, tenant of the Earl of Derby, as above.

Memorandum the 30th May, 4 and 5 Phil. and Mary [1558], Hugh Dobson, aged about 80, hermit of the said chapel, deposed as follows :—

B. I. g.

He was professed hermit of the order of St. Anthony about 30 years ago, at the parish Church of Toddcastell, within the county of York, before Dr. Bannebriges, then suffragan to the Bishop of York. Two others were professed at the same time, namely, Robert Baley and one Fylden.

Deponent and his predecessors were seised of a little house within the said chapel yard of Tarleton, of the said yard, and of half acre of meadow and half acre of arable land. Deponent would have taken the said arable land from Robert Daundy and have set the same to William Dobson his brother, by reason whereof the said Dandy did him to his master, Master Banaster whose daughter he had to wife, but meddle with the said lands, but gave that he was as free in those lands as he gave to fine to the said hermit 20d. . . . As it is a meritorious deed to testify knows it a matter of truth of one Robert Edan of Sollam wa. . . . the Chantry of St. Elyn in which was given by the said Sir g. . . . taken and paid out of the house and of none other house nor lands

[Part of this document is torn away.]

Depositions taken at Tarleton, 15th June, 4 and 5 Phil. and Mary [1558].

B. I. h.

Rauff Catterall, of Tarleton, in the county of Lancaster, aged about 74, tenant to James Forshawe, gent., has known all the said

premises for about 60 years. James Caterall deponent's father and deponent himself had the occupation of the same and paid therefor yearly 2s. 8d., namely, for the harbage of the chapel yard yearly 4d., for the arable land 8d., and for the meadow 20d.

Deponent has known three "Armettes" [Hermits] who have dwelt in the said house, namely, James Pyper, Robert Halworth, and Hugh Dobson: they have also occupied the said chapel yard, land, and meadow, and taken the profits thereof.

The said Dobson last "Armett" [Hermit] let the said meadow to deponent about 28 years ago at the yearly rent of 20d. he paying a fine of 20d. at the taking thereof. The residue was let to Robert Dandye, Henry Walbancke and others by the said Dobson.

A tenement with an orchard, garden, and two-and-a-half acres of land in Tarleton now in the occupation of Robert Iden were given *inter alia* to find a priest to say divine service within the said chapel by Sir George Dandye, priest. The rent thereof was 6s. 8d. Sir Thomas Wyldynge was the last priest there and had the profits thereof during the time he served there. Sir William Wylcocke and Sir Henry Farryngton, priests, served there before the said Sir Thomas.

The King's officers sold the said chapel to the said Sir Thomas Hesketh, Knight, who took the same down quietly about seven years ago without interruption from the said William Banaster.

Robert Dandye, of Tarleton, the elder, husbandman, aged about 70, tenant to the said Sir Thomas Hesketh, says that he and his father before him had the occupation of the said half acre of land and paid the rent of 8d. therefor to the said Arnett.

Deponent says that William Banaster defendant's father found the key of the said chapel to the intent the same might be taken down by the said Sir Thomas.

William Banaster, of Tarleton, aged about 50, tenant of Sir Thomas Hesketh; Robert Dandye, of Tarleton, aged about 60, tenant to the same; Hugh Wygnall, of Tarleton, aged about 56, tenant to the same; and John Sutton, of Sollom, aged about 60, tenant to the same, depose as above.

John Fleetwood, Peter Anderton.

HENRY BANESTER AND JOHN HUNTER, *versus* SIR THOMAS
HESKETH, AND OTHERS, *re* DISPUTED TITLE TO
WATER AND FISHING, AT MARTON MERE.

I NTERROGATORIES ministered to Sir Thomas Hesketh, Knight, defendant, on behalf of Henry Banester, Esq., and John Hunter, plaintiff.

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B. 6.
4 and 5
Phil. & Mary.
[1557-58.]

Interrogatories to be ministered to Henry Banyster, Richard Banestre, John Banestre, Hugh Hunter, Hugh Abraham, William Houghwyke, John Hunter, Thomas Lee, and William Dobson, on behalf of Sir Thomas Hesketh, Knight.

B. 6. a.

28th October, 4 and 5 Philip and Mary [1557].

B. 6. b.

1. John Banester, of Tarelton [Tarleton], in the county of Lancaster, husbandman, aged about 24 years, says that he knows the water called Marton Meyre, but does not for certain know the fishing in the said meyre.

2. Knows that Sir Thomas Hesketh, Knight, has a certain part of the said meyre, lying against his own lands, but cannot say if he has any fishing there.

3. About last March deponent with John Hunter and William Dobson went peaceably to the said meyre, each of them carrying a staff such as they usually walk with, to fetch a net which the fishers of the said Henry Bannester had left behind them, they being so stricken by force of Mr. Hesketh's men that they were unable to carry the net. Deponent and the others went there at the command of the said Henry Hesketh their master.

4. Neither deponent nor any others to his knowledge went to fish in any part of the said water.

5. Did not see any of the servants, tenants or others belonging to the said Sir Thomas Hesketh wounded, stricken, or beaten.

Did not himself strike or wound any of the said servants and tenants.

William Dobson, of Sollam, in the county of Lancaster, serving-man, aged about 25, says that the fishing in Marton Meyre belongs to Henry Banester, as he has often been told by old men being fishers there.

B. 6. c.

About last March Thomas Hey, William Howghwike and another person whose name he knows not went to the meyre for the nets, but what weapons they carried he cannot say.

B. 6. d.

7th November, 4 and 5 Phil. and Mary.

Sir Thomas Hesketh, of Rufforth, in the county of Lancaster, Knight, aged about 31 years, examined at Westminster, says that he did not command Richard Hurdesse, John Hunter, Henry White, and Thomas Gybbson, or any others to assemble at a place called Marton Meyre on the 15th day of March last. He has heard that they were fishing at the meyre on that day, but it was not at his command or to his knowledge.

THOMAS CATTERALL, *versus* SIR RICHARD HOUGHTON, *re* TITLE
TO LANDS CALLED CRACKEMORE AND WATTERINGS.

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[Calendar 14.]

C. 2.
4 and 5
Phil. & Mary.
[1557-58].

WRIT dated 13th February, 4 and 5 Phil. and Mary [1558] directed to John Fletewood, John Bradyll, Richard Ashton, of Whalley, Esquires, and John Charnocke, gent.

C. 2. a.

Another writ dated 12th November, 4 and 5 Phil. and Mary [1557], directed as above.

C. 2. b.

The Certificate of Richard Assheton and John Bradill, Esqrs., two of the Commissioners appointed to examine into the matter depending between Thomas Catterall, Esq., and Sir Richard Hoghton, Knight.

Interrogatories on behalf of Thomas Catterall.

Depositions taken at Garstang Church, in the county of Lancaster, the 15th day of January, 4 and 5 Phil. and Mary [1558].

1. John Cottom, of Catterrall, in the county of Lancaster, yeoman, tenant of the Earl of Derby, aged about 60, says that he knows the lands now in variance called Crakemeyr and Watterings.

2. Says that Crakemeyr [Crackemore] with the orchard standing therein contains about two acres, as he thinks.

3. Has seen a great meyr stone lying in the said Crakemeyr [Crackemore] "in a Rone and Breres and Brakens" growing

about the said stone which was usually called the Meyrstone and which "did deseyver" the lands now in variance; also a "lesse" meyr stone lying at the south east end of the said Rone which also "deseyvered" the said lands; also a "meyre stake overtwhart" from the said Rone where the meyre stones lay, south westward to the highway or high street.

4. Knows that the said stones and stake have been removed: one of the stones lies in the Crakemeyr [Crackemore] dike at the present day.

5. When the said stones and stake were taken away about 16 years ago there were many enquiries as to who had taken them. Thomas Lafold told deponent that he and Richard Hoghton being servants to John Parker, then tenant of Crakemeyr [Crackemore] under Sir Richard Hoghton, Knight, carried them away.

6. Thinks that two parts of Crakemeyr [Crackemore] belong to plaintiff and the third part to defendant.

7. The Watteringes contain about one acre. About 22 years ago deponent occupied both Crakemeyr [Crackemore] and Watteringes and paid rent for them to Thomas Catterall.

8. Watteringes is not and never has been part of Crakemeyr: [Crackemore] they are separated by a running water "y^t Kenneth directly between them contynually."

9. Watteringes lies to the water bank next adjoining that part of Crakemeyr [Crackemore] that belongs to plaintiff.

Henry Totehill, of Catterall, carpenter, tenant to Thomas Brockholes, Esq., aged about 60, says that he has shot at the Meyr Stake in Crakemeyr [Crackemore] "many several times." The said meares divided the said lands north east and south west, also south westward to the highway.

Thomas Catterall and his ancestors have always been reputed to be "very trew" owners of Watteringes. Robert Butler and William Butler, Esquires, lords of Kirkland paid yearly 3s. 4d. for "a Tachement" of the Watteringes to Rauf Catterall, Esq., grandfather of plaintiff for his corn-mill then standing upon the water of Wyre,

Thomas Bell, of Kirkland, yeoman, tenant to John Butler, of Kirkland, Esq., aged about 56, says that about 18 years ago when the said meyr stones and stake were newly taken away his father said to him that he would not have done it for a thousand pounds for if any disagreement arose between the said Sir Richard Houghton and Master Catterall "hit will cost moch besenes for becawse" the said stones and stake were known to be the true meares between them.

Thomas Caton, Ternaker [Tarnacre], in the county of Lancaster, yeoman, aged about 66. James Dugdale, of Kirkeland, yeoman, aged about 60, tenant to John Butler, Esq.; and James Burnett, of Catterall, yeoman, tenant to John Rigmaydyn, aged about 70, all depose as above.

C. 2. c. Interrogatories on behalf of Sir Richard Houghton.

C. 2. d. Depositions taken at Catterall, 18th April, 4 and 5 Phil. and Mary [1558] on behalf of defendant.

1. Nicholas Walkar, of Claughton, in the county of Lancaster, husbandman, aged about 66, tenant to Thomas Brockhall, Esq., knows the two parcels of land called Crackmere [Crackemore] and Watteringes lying in Catterall.

2. The said parcels contain altogether about three acres.

3. Has known the said grounds for about 40 years, but has never seen any mere stones or stakes there.

4. Never knew but that there was a mill stream running between the said Watteryngs and Crackmere [Crackemore]. One tenant has occupied both and has paid the whole rent for both to Sir Richard Houghton.

5. The lands lie next "to gethers," only divided by the mill stream. The parcel of Crackmere [Crackemore] lying next the Watteringes has been always occupied by the tenant of the said Sir Richard.

James Dugdale, of Kyrkelande [Kirkland], aged about 63, tenant to Mr. Butteler of Kyrkelande [Kirkland], says that both Crackmere [Crackemore] and Watteringes are the inheritance of Sir Richard Houghton who received the rent for both, and has had the letting thereof for 40 years. William Brande, of Cateral

[Catterall], aged about 40, tenant of Henry Butteler, of Hoo, gent.; John Wynder, of Caterall, aged about 30, tenant to James Butteler, gent.; John Walmesley, of Clawghton [Claughton], aged about 40, tenant to John Syngleton, of Syngleton Hall, gent.; and William Sylcocke, of Caterall, aged about 41, tenant to Henry Butteler, all depose as above.

ROBERT DANDYE THE ELDER, CLAIMING BY LEASE FROM SIR
GEORGE DANDYE, CLERK, *versus* HENRY BANESTER,
re TITLE TO CHANTRY LANDS, &c., IN
BRETHERTON AND TARLETON.

To the Right Hon. Sir Robert Rochester, Knight.

ROBERT Dandye the elder, of Tarleton, in the county of Lancaster, complains that where about 34 years ago Sir George Dandye, of Tarleton, clerk, was seised in his demesne as of fee of two parcels of meadow lying in Bretherton, in the said county, containing one acre, in a certain meadow called the Brodemedowe; and so seised, demised to Henry Dandye, of Tarleton, his brother both the said parcels for his life, with remainder after his decease to plaintiff for 61 years, he paying yearly for the same 4s. The said Henry Dandye entered the said premises and took the profits thereof all his life. Afterwards the said Sir George Dandye assured the reversion of the premises for the maintenance and finding of a priest to sing in the Chapel of St. Ellyn at Tarleton for ever. The said Henry Dandye died about 21 years ago, after whose death the said premises remained to plaintiff by force of the said gift, who entered into the same and has taken the issues thereof ever since. Now so it is that after the death of Sir George Dandye divers evidences and deeds concerning the premises have come into the hands of Henry Banaster who by colour thereof wrongfully in September last entered the same, expelled plaintiff, mowed down his grass and made it into hay, carried away the same and will by no means suffer plaintiff to have possession thereof. As the reversion of the premises came to King Edward VI. at the

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D. 1.
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[1557-58.]

dissolution of the Monasteries, &c., and now belongs to the King and Queen in right of their crown, without whom plaintiff is unable to plead or to maintain his lawful interest by reason of the feebleness of his estate, so he is likely to lose everything for ever unless a writ of privy seal be directed to the said Henry Banester, commanding him to appear and answer the premisses.

Michaelmas term, 3 and 4 Phil. and Mary [1556].

Hereupon a privy seal to Henry Banester to answer.

D. 1. a.

The answer to Henry Banester.

Says it is true that Sir George Dandye was seised of the said two parcels of meadow and so seised enfeofed thereof certain persons to the use of his said will, whereby he declared that the said persons and their heirs should be seised thereof to the use of him the said Sir George for his life, and after his decease for the maintenance of a priest from thenceforth to sing and say mass in the said Chapel of St. Ellen, in Tarleton, for his soul and for all Christian souls. After the decease of the said Sir George a priest was continually found until 1 Edward VI. [1547-48], when the said lands were seised into the King's hands, who by Letters Patent dated 29th June in the 4th year of his reign [1550] granted the said premises to defendant by the name of one acre of land in Bretherton in the holding of Robert Dandye, lately belonging to the dissolved chantry, for 21 years, he paying certain yearly rents for the same. By force whereof defendant quietly entered and caused the grass to be cut and carried away. As the interest to the premises is now in the King and Queen, defendant prays for their aid. Without that the said Sir George demised the said parcels to Henry Dandye, of Tarleton, &c., &c.

D. 1. c.

Writ dated 8th May, 4 and 5 Phil. and Mary [1558] and directed John Fletewood, John Westbye, Pyers Anderton, Esquires, and James Forshae, gent.

D. 1. f.

Depositions taken at Tarleton, 15th June, 4 and 5 Phil. and Mary [1558].

1. Henry Whitestones, of Ormeskyrke [Ormskirk], aged about 60, tenant to the Queen knew Sir George Dandye, late of Tarleton, priest, who died about 30 years ago, but was of "small acquaintance with him."

2. About 30 years ago deponent being in the house of Henry Dandye with the said Sir George, heard a lease read, made by Sir George to Henry Dandye and Robert his son of certain meadows bought by Sir George, of Thurston Banester.

3. Has heard William Assecroft the elder, of Skelmersdale, wheelwright, say that at the desire of Sir George he delivered possession to Henry Dandye, brother of Sir George, and to Robert son of the said Henry, of one acre of meadow lying in two parts within the brode meadow in Bretherton, but to what use he knows not.

4. The said Henry occupied the said two parcels during his life.

5. After the death of the said Henry the said Robert occupied the same until now of late.

7. Has heard Robert Dandye say that after the decease of his father he brought a chest upon a "Sleade" to Richard Banester, Esq., grandfather of defendant, wherein was contained certain evidences.

John Assecroft, of Skelmersdale, wheelwright, aged about 21, heard William Assecroft his father say as he was lying dying on his death bed that he delivered possession to Henry Dandye and to Robert Dandye his son of one acre of meadow in Bretherton, for the life of the said Henry, he paying therefore yearly one penny. if demanded, and after his decease, to the said Robert for the term of 61 years, he paying yearly 4s. for the same. James Cropper, of Skelmersdale, aged about 58, tenant to Richard Mellinge. John Orrell, of Skelmersdale, the younger, aged about 28, all depose as above.

At Longton, 16th June, in the said year.

Henry Walbancke, of Tarleton, aged about 70 years, tenant to Sir Thomas Hesketh, Knight, has heard say that there was livery of seisin of the two parcels of meadow delivered to the said Henry Dandye, who quietly entered into the same and took the profits thereof until his death about 20 years ago. Robert Dandye enjoyed the same after his father's death until about three years ago, when he was molested by Henry Banester.

Has heard Sir George say that he had given the reversion of the said meadow *inter alia* for the finding of a priest to sing in the Chapel of St. Ellen, in Tarleton, for ever.

Robert Dandy delivered the said chest containing the said evidences to the said Richard Banester to be kept safely because his own house was "weke and had ben broken late afore."

Hugh Wygnall, of Tarleton, aged about 56, tenant to Sir Thomas Hesketh, heard William Assecroft and William Dandye speak of the said lease.

The said chest was carried upon a Sleade drawn by two "donne" horses. Deponent and his neighbours were offended with the carriage thereof to the said Richard Banester.

Robert Dandye the younger, of Tarleton, aged about 60, tenant to Sir Thomas Hesketh, says that Sir George Dandye was his uncle.

William Banester, of Tarleton, aged about 50, tenant of said Sir Thomas, has heard William Dandye, late of Tarleton, deceased, say that he was present when possession was taken of the two parcels of meadow by Henry Dandye, which possession was delivered to him by William Assecroft assignee to the said George.

Lawrence Caunce, of Tarleton, yeoman, aged about 40, deposes as above.

D. I. g. Depositions taken at Longton, 16th June, 4 and 5 Phil. and Mary [1558].

Sir Thomas Wylldyng, chaplain to Mr. William Kyrkebye, of Rawclyff, Esq., aged about 54, knows the said two parcels of meadow, says that about 14 years ago Richard Bannaster, Esq., grandfather of defendant discharged Robert Dandye, of Tarleton, of the occupation of the premises and would not suffer him to enjoy the same. Since that time he has heard the said Robert say that if he had been happy he might have had a lease of his uncle, but that he trusted them better than his uncle.

Hugh Hoydges, of Bretherton, aged about 66, tenant of the Earl of Derby, has heard Richard Banester, Esq., declare that he had discharged Robert Dandye from the occupation of the premises, by reason whereof the two parcels of meadow "dyd lye

unmawen and was eaten wyth beastys and catalles the same yere."

Robert Dandy the younger, aged about 60, and Hugh Wygnall, of Tarleton, aged about 56, tenants of Sir Thomas Hesketh can say nothing.

This bill made the 18th day of April, 3 and 4, Phil. and Mary [1557]. Forasmuch as it is "marytiose" [meritorious] for every Christian man to testify the truth in matters required witness that I, William Assecrofte the elder, of Skelmersdale, wheelwright, at the desire of Sir George Dandye, chaplain, delivered possession to Henry his brother and to Robert son of the said Henry of one acre of meadow lying in two parts in brode mead in Bretherton during the life of the said Henry, paying yearly 1d. of rent, and after the decease of Henry to Robert his son for 61 years, he paying yearly 4s. rent: therefore I the said William tenant of Sir Thomas Gearard do take it upon my charge lying sore sick, and if I die, I burden my son John to testify to these my sayings at all times. Witnesses: John Ascrofte my son, John Orell the younger, and James Cropper.

D. i. h.

WILLIAM LANGLEY, CLERK, PARSON OF PRESTWICH *versus* SIR
ROBERT LANGLEY, KNIGHT, *re* TITLE TO PARSONAGE
HOUSE AND BARNs AT CROMPTON AND
PRESTWICH.

INTERROGATORIES to be administered on behalf of William Langley, Esq., plaintiff, against Sir Robert Langley, Knight, defendant.

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L. i.
4 and 5
Phil. & Mary.
[1557-58.]

Interrogatories to be administered to John Hylton and Robert Hyll, concerning a matter depending in the Duchy Chamber against them.

L. i. a.

22nd June, 4 and 5 Phil. and Mary [1558].

Sir Robert Langeley, Knight, of Agecrofte, in the county of Lancaster, aged about 50 years, examined at Westminster, knows a barn called Crompton or Colleshawe barn, which he does not look upon as a tithe barn but as his own proper barn, it having been erected upon his several inheritance about 18 years ago.

L. i. b.

The said barn was with deponent's consent built on his inheritance lying in the town of Crompton, parcel of the tenement of Alexander Wilde, at the costs and charges of William Langley, clerk, predecessor and uncle of Sir William Langleye, clerk, now plaintiff. Deponent also gave to the said Sir William deeded the greater part of the timber towards the edifying there because he was both his uncle and friend, to "inne" his corne in during deponent's pleasure.

The parsons of the parish Church of Prestwich for the time being ever since the building of the said barn until last harvest have yearly "inned" and housed their tithe corn growing within the said town of Crompton in the said barn at the sufferance of deponent.

The said barn was taken down about the 16th day of May last by deponent's commandment. About 16 persons, six of whom were children peaceably took down the same and the stone and timber thereof were carried quietly away by others. Deponent sent Robert Langley his household servant to see that the said barn was taken down safely.

On the Friday before the said barn was taken down deponent called certain of his servants and tenants to him and commanded them to give warning to other of his tenants to take down the said barn on the following Monday, but they were not to carry any weapons with them beyond the instruments and tools necessary for the work which they were to do in God's peace and their Majesties.

Even if the said barn had been built upon the waste called Crompton More, as plaintiff untruly alleges, deponent might still have pulled it down as he is one of the chief lords of that waste.

[The answer to the ninth interrogatory is torn away].

L. I. C.

24th May, 4 and 5 Phil. and Mary [1588].

Robert Hill, of Prestwicke, yeoman, aged about 44 years, says that in harvest time last he at the command of the said Sir William Langley went to the said barn, the doors whereof were locked or barred, and went in at one end thereof where there was a way in, and with an axe he cut the "pinnes" of the said doors and so opened them.

There were no others with deponent at that time except Sir William Langley, who carried a sword and a dagger such as he commonly rode with, and his master had a pair of knives, but no other weapons.

John Hilton, of Crompton, yeoman, aged about 56, says that he had the "pson horse of the more nere adjoyninge to the said barne."

DECREES AND ORDERS: PHIL. AND MARY, VOL. II., 363.

Trinity Term, 4 and 5 Philip and Mary.

Where matter in variance is depending before the Court between Sir Robert Langley, Knight, and William Langley, clerk, parson of the church, rectory, and parsonage of Prestwiche, concerning a barn commonly called Colleshawe or Crompton tithe barn and the ground whereupon the said barn stands, whereof the said Sir Robert says that he was seised in his demesne as of fee, and that defendant and his servants entered by force. Defendant says he was seised thereof in right of his said church and that the same was built at the cost of William Langley, late parson of Prestwiche and uncle to defendant about 24 years ago. Plaintiff and his servants have confessed that on the 16th day of May last they caused the said barn to be taken down and the stones and timber thereof to be taken to a place three miles away and converted to their "fanci," by reason whereof the said William Langley, clerk, is destitute of a convenient place wherein to "inne" his tithe corn and grain. The Court is informed that there is an old barn standing in Crompton wherein the parsons of Prestwich have used to "inne" corn for the salvet¹ thereof. Therefore it is ordered by the Chancellor that the said William Langley shall have and enjoy the said old barn until the said Sir Robert Langley shall show better matter and title to the same; and that the said William shall at his will and pleasure repair the same and inn his corn therein to his most commodity without disturbance from the said Sir Robert, and that the said William shall use such lawful ways to carry and re-carry into and from the said old barn as his said uncle or any of his predecessors had and used without let of any persons until the said Sir Robert shall prove his title thereto.

Inter Rob.
Langley,
Knt.

quer and Wm.
Langley,
clerk,
defendant.

¹ Savete = safety.

ROBERT PYCKUPP AND OTHERS, *versus* JOHN WHYTEACRE *re*
TITLE TO MESSUAGE AND LANDS IN IGHTONHILL
AND BURNLEY.

To the Right Hon. Sir Robert Rochester, Knight.

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[Calendar 15.]
P. 2.
4 and 5
Phil. & Mary.
[1557-58.]

ROBERT Pycote complains that where Robert Pyckupp the elder, plaintiff's grandfather was seised of one messuage and 30 acres of land, meadow and pasture, customary and copyhold lands, held of the Halmote of the Manor of Highenell [Ightonhill] in the county of Lancaster, by copy of court roll, according to the custom of the said manor in his demesne as of fee ; and so seised, at a court held within the said manor about 44 years ago surrendered the said premises into the hands of King Henry VIII., lord of the said manor, to the use of him the said Robert for life, after his decease, to the use of William Pycot his son and his heirs ; and for default of such issue, to the use of Brunley [Burnley] Church : at which court the same was granted to the said Robert Pyckupe, and he and the said William were admitted tenants. After the death of Robert, William entered the said premises and was thereof seised in his demesne as of fee-tail, and took the profits thereof for 32 or 33 years. After his decease, the premises descended to plaintiff as son and heir of the body of the said William : But now so it is that as well the copies made to the said Robert and William Pyckup as the said court rolls have come into the hands of Reynolde Whytikare and John Whytikare, of Brunley [Burnley] Wood, husbandmen, who by colour thereof keep the possession of the premises. And although plaintiff required to be admitted tenant and offered to pay the accustomed fine, the steward would not admit him.

Prays that a writ of Privy Seal may be directed to Reynolde Whytikare and John Whytikare commanding them to appear and make answer.

The answer to John Whiteacre.

P. 2. a.

Defendant says that the messuage and lands mentioned in the said bill are customary lands held of the said manor of Hightnell [Ightonhill] and have let by copy of court roll from time imme-

morial. King Edward VII. being seised thereof as parcel of the said manor, commanded his commissioners to compound and to set "A prise" of the said lands to such persons as they should think convenient, which said persons the then steward were to admit tenants. Thereupon the said commissioners agreed with defendant that he should have the premises for the sum of £46, which he paid to the use of his Majesty, and was admitted tenant at the halmote held there the 1st day of October, Edward VI. [1550], and entered and took profits thereof. Without that that the said Robert Pickoppe was seised of the said premises, &c., &c.

Writ dated 7th July, 3 and 5 Phil. and Mary [1557] and directed to John Braddyll, Esq., John Askinough, John Holker and Robert Lynesse.

P. 2. c.

The Certificate of the Commissioners.

P. 2. e.

By force of a Royal Commission to us directed we assembled at Padham [Padiham] in the county of Lancaster, the 14th day of December, 4 and 5 Phil. and Mary [1557] and took the depositions of the witnesses brought by the plaintiff as follows:

John Parker, of the Monke Hall, in the county of Lancaster, aged about 76, gent., one of the "Customerres" of the manor of Ighetenhull [Ightonhill] says that the premises have always been copyhold land, and held of the manor, and let by copy of court roll.

Knows that Robert Pecope, plaintiff's grandfather, was seised of the premises to him and his heirs and was tenant thereof: and about 50 years ago surrendered the same into the hands of the lord of the manor to the use of himself for life; after his decease to the use of William Pecoppe his son and his heirs, and for default to the use of Brunelye [Burnley] Church.

William Barcrofte and Robert Barcrofte his son and heir were feoffees in trust made by the said Robert Pecoppe, who took the profits of the premises all his life, and died about 46 years ago. About 30 years ago deponent moved William Pecoppe plaintiff's father to set the lands now in variance to deponent, but when it appeared by an indenture which the said William showed to him that he only had an estate for life therein, with remainder to his heirs and failing them to Brunley [Burnley] Church, deponent

gave to the said William thanks for his good will and said "by cawse thow haste No Stayte but ffor terme of lyffe I wyll be staw no money of hit."

After the death of Robert Pecoppe, William Pecoppe took the profits of the premises for about 20 years, the feoffees "of truste" still continuing so.

William Barcrofte, of Clevyger [Cliviger], in the county of Lancaster, gent., aged about 57 years, another of the "Customerres" of the said manor; Edward Tatersall, of Pecoppe, yeoman, aged 76; and William Halstud, of Worscorne, yeoman, aged 70, customers of the said manor, deposed as above.

Lawrence Parker, of Cleviger [Cliviger], yeoman, aged 74; Richard Hicheon, of Worscorne [Worsthorn], yeoman, aged about 64; Nicholas Grimeshey, of Brunley [Burnley], yeoman, aged 75; James Welycell, of Scholebanke, in the said county, yeoman, aged 79; and Gylles Crowder, of Habryngam eves [Habergham Eaves] in the said county, yeoman, aged 59, all deposed as above.

George Taylor, of Brunley [Burnley], carpenter, aged about 52, says that he was present about 28 years ago when Sir John Touneley, Knight, called the "Churchemaisters" of Bruneley [Burnley], and the most honest men of the parish before him, and moved them to be content to take a sum of money of William Pecoppe, plaintiff's father, and to set him at liberty to do what he liked with his land, whereupon Robert Barcrofte answered that he was one of the feoffees in trust and had the said land surrendered to him and others to the use of Robert Pecoppe for life, with remainders as above stated.

THE KING AND QUEEN, TO SIR RICHARD SHERBURN, COM-
MISSIONER, WITH INTERROGATORIES, &c., *re* WRIT OF
ATTACHMENT TO SHERIFF OF THE COUNTY FOR
TAKING THE BODY OF RICHARD
FORMBY, &c.

To the Right Hon. Sir Robert Rochester, Knight.

WHEREAS I am credibly informed that Robert Banaster, Vol. lxxvi.
bailiff of the hundred of West Derby, has made a return [Calendar 15.]
in the Duchy Chamber in my name of a “rescove and ryote” to R. 17.
to be made by a great number of poor men within the township of 4 and 5
Formby upon the said Banaster in serving an attachment upon Phil. & Mary.
Richard Formby and Richard Wright: I hereby certify that neither [1557-58].
I nor my son being my deputy have authorized the said Banaster
to make such return, and we have also plainly proved that there
was no cause for such return as no “rescove” or riot was com-
mitted. When we examined the said Banaster he deposed to me
in the presence of divers gentlemen that he only made the said
return against the said Richard Formby and Richard Wright. As
the unjust handling of this matter may not only be a greater slander
in the country and the utter undoing of the poor men who certainly
have not offended, but also a great burden to me both in honesty
and conscience, I desire that due proof may be had herein by such
ways and means as your Mastership shall think convenient.

At Trafford, 16th July.

Yours to command,

Edmund Trayfort, Kt.

Writ dated 26th August, 4 and 5 Phil. and Mary [1557] and
directed to Sir Richard Sherburne, Knight, John Bradell, John
Wryting, Esq., and Alexander Rigbye, gent.

R. 7. a.

We the said Commissioners were at Aughton [Aughton] in the
county of Lancaster, on the vigil of the feast of St. Michael the
Archangel, 4 and 5 Phil. and Mary [1558] and there examined the
said Robert Banaster and others, whose depositions we herewith
enclose.

R. 7. b.

Robert Banaster, aged about 40, tenant of Sir Thomas Hesketh,
says that he did not arrest the said Richard Formeby by virtue of
any proces directed out of the Duchy Court,

Interrogatories to be administered on behalf of John Ryding and others to Thomas Wolssall, chaplain, aged 40, curate at Formby, says the said Robert Banester did not attach the said Richard Formby at Formby on the 13th day of June.

The said Richard Formby was hurt by falling "besydes a horse" on the Tuesday next before the said 13th day of June, and remained in his father's house until the said 13th on account of the injury he had sustained.

Deponent knows the said John Ryding, Peter Snape and others whose names are rehearsed in the copy of the return enclosed in the said commission.

Says that neither the said John Ryding or the other rescued the body of the said Richard Formby from the custody of the said Robert Banester on the said day, and has never heard that any such rescue was made.

Richard Rymer, aged about 50, tenant of the Earl of Derby, says that he was continually in the company of the said Banester from his coming to Formby Church until his departure from Formby, and caused his son to bring the said Banester out of Formby. Thurstan Howorthe, aged 53, tenant of the Earl of Derby; Robert Browne, aged 86, tenant of Sir Edward Warrener, Knight; and William Hughson, aged 63, tenant of the Earl of Derby, all depose as above.

R. 7. c.

Interrogatories to be administered on behalf of the said John Riding and others to Sir Edmund Trafforde, Knight, Sheriff of the county of Lancaster, and to Robert Trafforde son of the said Sir Edmund and under sheriff of the said county. At Traifforth [Trafford], 7th October in the said years.

Edmond Traifforde, Knight, Sheriff of the said county, says that he did not appoint the said Banester to deliver in his name into the Duchy Chamber a return of proces against John Riding and others, for he knew nothing about it until a copy thereof was shown to him after the end of Trinity term past.

Does not know of anything done by the said John Riding whereby such return ought to have been made.

Has sent his letters to the Chancellor of the said Duchy wherein he has declared his full knowledge touching the said return.

Robert Trayfforde, son of Sir Edmond Traifforde, deputy sheriff, says that he authorized the said Robert Banester to attach the said Richard Formby by virtue of an attachment out of the Duchy Chamber, which he accordingly did. And the said Richard Formby made a rescus upon the said Banester and so escaped, whereupon he told Banester to cause a rescus to be returned against Formby only.

Does not know any reason why the rescus should be returned against the said Riding.

THE INHABITANTS OF BILLINGE, *versus* JAMES WYNSTANDLEY,
re SACRILEGE AND ROBBERY AND DISTURBANCE OF
 DIVINE WORSHIP IN BILLINGE CHAPEL.

To the Right Hon. Sir Robert Rochester, Knight.

THE inhabitants of the town of Byllynge [Billinge] within the parish of Wigan, in the county of Lancaster, complain that where heretofore by the advise, consent and agreement of all the inhabitants of Byllyng [Billinge] as well gentlemen as other the yeomen and commonalty of the same a certain chapel commonly called Byllyng [Billinge] Chapel has been built at the costs of the inhabitants and other well disposed people near adjoining, upon a certain parcel of waste ground within the town for the commodity of the inhabitants, who are about four miles distant from any church: and where also by the licence and sufferance of the parson of Wigan the said inhabitants have always since the erecting of the chapel found a priest at their own costs to say mass, matins and other divine service and to administer the Sacraments within the same, and have always to the number of 200 persons and more been accustomed to resort there on holy days and other times convenient, to the honor of God and to the great ease of all the said people, and to the increase of godliness and virtuous living in those parts: now so it is that James Wynstandley of Wynstandley [Winstanley], in the said county, gent., immediately after

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proclamation had and made in the Queen's name that all her subjects should be at liberty to frequent and resort to such divine service as is now used and accustomed within her realm of England, to their great rejoicing, that is to say, about the 6th day of August last past, regarding neither his duty to God nor his obedience to the Queen, of a very "perverse and naughtye" mind, assembled unto him at Byllynge [Billinge] 20 evil disposed persons to plaintiff unknown who riotously and with force and arms entered the said chapel and carried away one bell price £3, one chalice with a "patentt" price £4 10s. od., two vestments, two "surpleses," one cross, one cruet, and one chest or coffer of plaintiff's goods, there being for the administration of God's service, with all other "ornormenttes" to the same belonging, and converted them to their own use. And not content with this, but minding utterly to destroy the said chapel for ever, of the very malice and hate which he had to the service of God, he pulled down the glass which stood in the windows and cast out the chairs, forms and other things ordained for plaintiff's ease, and stopped up the said windows and walls with "bowes and bromes," and made a barn thereof, wherein he has put his corn and hay, and has ever since kept the said chapel with force, so that divine service could not be sung nor Sacraments administered, and as plaintiffs are so far from the church the greater part of them have not attended divine service since, some of them being so aged, others visited with sickness or troubles so that they were unable to travel so far, to the great grief, "dyscomodytie" and "dysease" of all the plaintiffs, and not unlikely to the great decay of faith and godliness.

As plaintiffs are not incorporated by the name of any corporation they cannot sue for redress in their own names by the order of the common law, so they pray that a writ of Privy Seal may be directed to the said James Wynstandley, commanding him to appear and make answer.

ROBERT GYLES, *versus* ROGER NOWELL, ROBERT CHILDERS AND
OTHERS, *re* FORCIBLE ENTRY AND TORTIOUS POSSESSION
OF A TENEMENT AT HARWOOD, AND BREACH OF
PROMISE FOR SUPPORT OF THE WIDOW OF
WILLIAM GYLES AND HER CHILDREN.

To the Right Hon. Sir Robert Rochester, Knight.

ROBERT Gyles complains that where one William Giles, his brother, took one tenement with the appurtenances in the township of Harwood, in the county of Lancaster, of one Roger Nowell, Esq., for the term of the lives of the said William and his wife, and agreed to pay to the said Roger £4 13s. 4d. in the name of a fine or gressom for the same, whereof 40s. was paid in hand. Afterwards William Giles was slain leaving his wife and five small children so that plaintiff was driven to seek for help and relief for them, and went to the said Roger desiring him to be a good master to them, whereupon the said Roger made answer "if you will pay out the residue of the ffyne that is unpaide and buyld one barne upon the seid tenemente of yor own proper costes and charges I am contented accordinge to the covenante and graunte that I made to the seid William Giles your brother that you shall have the said tenemente to the use and behove of the seid pore widowee for the releve of her and her children duringe the liffe of the seid widowe," whereupon plaintiff paid to Roger Nowell four marks, the residue of the sum of £4 13s. 4d. for the fine of the tenement, and built a house or barn at the cost of £5. Now so it is that Robert Childers, of Harwood, husbandman, John Childers of the same, husbandman, and Christopher Childers of the same husbandman, about the 20th day of July, 1 and 2 Phil. and Mary [1555], by the special procurement of the said Roger Nowell with force and arms riotously entered the said tenement and expelled plaintiff and the said poor widow and her children from the occupation thereof.

Prays that writ of Privy Seal may be directed to Roger Nowell, Robert Childers and others, commanding them to appear and make answer.

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G. 3. a.

The answer of Robert Childers.

Defendant says he was not guilty of any riot force or trespass. The said bill is untrue and was only contrived to put defendant to trouble and expense.

DUCHY OF LANCASTER, DECREES AND ORDERS. PHIL. AND
MARY. VOL. 10, FO. 207.

Inter
Robtum.
Gyles
9 et Rogeru
Nowell et at
defendant.

In the matter in variance between Robert Gyles and Roger Nowell, Esq., John Childers, Christopher Childers, and Robert Childers concerning the interest, right, and title to one tenement in the township of Harwood, forasmuch as plaintiff has had divers days given to him to reply to the answers of defendants which he has not done therefore the matter is clearly dismissed out of this court and no more hereafter to be heard. And it is further ordered that plaintiff shall pay to defendants . . . for their costs in this behalf wrongfully sustained.

THE KING AND QUEEN, *versus* GEORGE ARMORODE [FORMEROD],
re CLAIM TO CHURCH VESTMENTS AND ORNAMENTS
IN GOODSHAW CHAPEL.

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THE answer of George Armorode to the Certificate lately made upon the behalf of the King.

Defendant says that the inhabitants near adjoining the said Chapel of Gudshagh [Goodshaw] mentioned in the said Certificate, to wit, the inhabitants within the "bothes" of Gudshagh [Goodshaw], Loveclough, Croche bothe [Crawshaw Booth], and Gamble-syde, in the county of Lancaster, being distant from their parish church seven miles, and also three long miles at the least distant from any other church or chapel wherein divine service was used and accustomed, and many times in the year very "fowle waye," now of late, that is to say, about 12 years ago, to the intent to hear divine service, erected the said chapel of Gudshagh [Goodshaw] for the ease of the said inhabitants, at their own cost with the help of the charitable goodness of their neighbours. Also the said

inhabitants by their mutual assent levied and made a stock of 20 marks to the intent to "hyre" a priest to minister and say divine service, the profits of the said sum to be used for the stipend of the said priest. By the advice of Sir Richard Towneley, Knight, the said sum of 20 marks about seven years ago was given into the hands of divers persons dwelling within the said "bothes," to wit, four marks into the hands of Thurstan Byrtwysyll, Henry Haworth, defendant, and George Dureden; four marks to the custody of Myles Mittowe of Croche bothe [Crawshaw Booth], Jamys Haworthe, Robert Haworthe, and Denys Aworthe; four marks to John Byrtwysell of Gudshagh bothe [Goodshaw Booth], Roger Pyllynge, John Hergreves, Henry Hergreves, and the wife of George Byrtwysell; four marks to Oliver Holte of Lovecloughe bothe, Edward Holte, Lawrence Dureden, John Byrtwysell, Gylbert Byrtwysell, Adam Byrtwysell, and Richard Byrtwysell; and four marks to John Armorod of Gamblesyde bothe, and William Stanfelde, to make profit and increase thereof to the uses aforesaid. Moreover, the said inhabitants bought one bell, one chalice, a vestment and other ornaments then usual, and they disbursed for every noble of the said 20 marks in their hands being 12d. yearly for the wages of the priest, wherewith he was hired from time to time. The said chalice and vestment were delivered to the right worshipful Sir Richard Sherborne, Knight, and others, commissioners for the King. At the same time Edward Parker sold the said bell to the said inhabitants who by force thereof detain the same as they suppose they may lawfully do. By virtue of the said agreement and charity a priest has ever since been hired to say divine service, which they also think they had a right to do.

Defendant and his fellows were bound by deed obligatory to the King's use to pay the said sum of four marks at the feast of St. John the Baptist next coming, without that that 20 marks remain in the hands or were ever committed to defendant and other his fellows.

THE KING, *versus* JOHN CLAUGHTON, *re* INJUNCTION TO UNDER
SHERIFF TO KEEP DEFENDANT IN PRISON.

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“JOHN Claughton was committyd to pryson at Lancastre at last sessions in somer, by M. Gonyngesby then being Juge ther whiche gave Injunccion to the under shiryf Starkey that he shulde kepe hym in gayle till xv^{na} Michis and to bring hym up und^r the payne of C^{ti} Notw^tstondyng the said Injunccion the saide Claughton dyv^rs tymes sithens hath ben hunting and hawkyng in Mellyng [Melling] filde and in Wreyton [Wrayton] felde as shal be evidently proved.”

END OF THE THIRD VOLUME.

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THE RECORD SOCIETY

FOR THE

PUBLICATION OF ORIGINAL DOCUMENTS

RELATING TO

LANCASHIRE AND CHESHIRE.

Council, 1896=7.

Lieut.-Col. HENRY FISHWICK, F.S.A., *The Heights, Rochdale*, PRESIDENT.

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HON. SECRETARY.

RULES.

1.—That the Society shall be called the RECORD SOCIETY, and shall have for its object the transcribing and publishing of Original Documents relating to the counties of Lancaster and Chester.

2.—That the affairs of the Society shall be governed by a Council, consisting of a President and twelve Members, the former of whom shall be *annually* elected by the Council.

3.—That three Members of the Council shall form a quorum.

4.—That the subscription of Members of the Society shall be £1 1s. per annum, which shall entitle them to the publications for the year ; but any Member whose subscription shall be two years in arrear shall thereupon be removed from the Society, and shall not be re-admitted until all arrears have been paid. The number of Members is limited to 350.

5.—That the subscriptions shall be due on the 30th of June in each year, and that no work shall be issued to any Member whose subscription is in arrear.

6.—That an Annual Meeting of the Society shall be held in the month of October, of which due notice shall be sent to all the Members. At this meeting a Report of the work of the Society, with a Statement of the Income and Expenditure, shall be presented. These shall be annually published, together with a List of Members and the Rules of the Society.

7.—That so long as the funds of the Society permit, two volumes at least shall be issued to the Members in each year.

8.—That no copies of the publications of the Society shall be sold to non-members, except at an increased price to be fixed by the Council.

9.—That no payment shall be made to any person for editing any work for the Society, but that the Editor of each volume shall be entitled to twenty copies of the work so edited by him.

10.—That the Treasurer's Accounts shall be audited by two Members of the Society, who shall be elected at the Annual Meeting.

11.—No alteration shall be made in any of the above Rules except at the Annual General Meeting. Notice of any proposed alterations must be sent to the Hon. Secretary a month before such General Meeting.

12.—That a Meeting of the Council of the Society shall be called by the Hon. Secretary at least once in every three months.

The Annual Subscription of £1 1s., entitling the Members to all the Volumes issued for that year, may be paid to the Hon. Treasurer, or to the credit of the Society at their Bankers, the Manchester and Liverpool District Banking Company, Limited, at any of their branches.

Report for the Year 1895-96.

*Read at the Annual Meeting, held in the Audit Room of the
Chetham Hospital, Manchester, October 13th, 1896.*

SINCE the last Annual Meeting, held on the 30th July, 1895, five volumes have been delivered to the Members, these are Vol. XXIX., the Third Volume of the Royalist Composition Papers, letters G and H; Vol. XXX., Lancashire and Cheshire Wills; Vol. XXXI., Miscellaneous Volume No. II.; Vol. XXXII., Pleadings and Depositions in the Duchy Court of Lancaster; and Vol. XXXIII., Miscellaneous Volume No. III.

The First of these, The Royalist Composition Papers for Lancashire, Volume III., is in continuation of Volume XXVI., which was fully described in the Annual Report for the year 1893-4, and like that volume, has been edited by the Rev. J. H. Stanning, M.A., Vicar of Leigh.

As already stated these papers relate to the property of the Royalists, who, between the years 1643 and 1660, had their estates confiscated by the Parliamentary party then in power, and were only allowed to redeem them by a heavy fine or composition. They supply many useful genealogical particulars, as well as much curious historical information, and are certain to be extensively used by all writers on local and family history. They have been arranged in strict alphabetical order, and this volume contains the Papers for the letters G and H.

The second Volume is a Collection of Lancashire and Cheshire Wills not now to be found in any Probate Registry, and has been edited by Mr. Wm. Fergusson Irvine. The task of editing this was commenced by the late Mr. Earwaker, but he had done little more than arrange the manuscript for the first 152 pages, having also made a few notes. That he had done so little is much to be regretted, as no one now possesses the wide store of genealogical information that he did, and which he would have turned to so good account in annotation. Where these notes existed, however, Mr. Irvine has used them, indicating their authorship by adding Mr. Earwaker's initials. It was found that the number of Wills prepared by the late editor was not sufficient to make a complete volume, so Mr. Irvine has added an interesting appendix containing Wills from the Bishop's Enrolment Book now remaining amongst the Episcopal Archives at Chester, and also a few isolated Wills that he has met with in his own researches. As these Wills are

all scattered up and down the two Counties, mostly in private muniment rooms, and so quite inaccessible to the ordinary student, it will be seen how important it is that they should be preserved and rendered available.

The third Volume is Miscellaneous Volume No. II., containing *The Book of the Abbot of Combermere*, edited by Mr. James Hall of Nantwich, who has already done good service for the Society in Volume XIX., and a Lancashire Lay Subsidy Roll for the year 1332, edited by Mr. J. Paul Rylands, F.S.A., the Hon. Treasurer. It has frequently been urged by Members of the Society that an earlier class of record than that hitherto dealt with should be printed, and these two documents are given as specimens of what might be done, and are sure to interest readers widely. *The Book of the Abbot of Combermere* is the sole remaining document relating to that important monastic institution, and, besides giving us the only known information as to its history, preserves in the various rentals which it contains, some very interesting matter bearing reference to the early history of the town of Nantwich. Mr. Rylands' "Lay Subsidy," as he points out in his preface, is practically a complete directory for all above the mere peasant class in Lancashire in the year 1332, and presents many features of extreme interest to the student of family and place names, as well as to the antiquary and genealogist.

The fourth Volume is Pleadings and Depositions in the Duchy Court of Lancaster in the time of Henry VII. and Henry VIII., and has been edited by the President, Lieutenant-Colonel Henry Fishwick, F.S.A., and throws much interesting light on the history of Lancashire in the early sixteenth century. The Volume contains records of numerous curious incidents illustrative of the social life of the period, which cannot fail to interest even those who are not historical students.

The fifth Volume is Miscellaneous Volume No. III., and contains, (a) A List of the Clergy in the Archdeaconry of Chester for the year 1541-2, and a list of the tenths and subsidies payable in the same Archdeaconry for the year 1538. (b) A Survey of the Manor of Chorley, with numerous documents relating to its early history drawn up in 1652, and (c) A List of the Wills, Inventories, and Testamentary Depositions remaining at the Diocesan Registry at Chester, between the years 1487 and 1620. The first of these documents has been edited by Mr. Wm. Fergusson Irvine, and gives us a complete account of all the clergy serving in the Archdeaconry of Chester (with the exception of the Deanery of Bangor, which is unfortunately missing), at the time of the founding of the See. All students of Ormerod know how incomplete his lists of incumbents are for the early sixteenth century, and this document will prove of great use to those interested in the history of the clergy. Mr. Irvine has also transcribed four other complete clergy lists for the years 1548, 1554, 1563, and 1565, which he hopes to edit for the Society shortly. The Chorley survey has

been edited by Mr. R. D. Radcliffe, M.A., F.S.A., and contains much valuable information with reference to the Chorley property, which included the Manor of Chorley, and considerable holdings in the townships of Walton, Fazakerly, Healey, Charnock-Richard, and Walton-le-Dale. The third section of this volume is, perhaps, the most valuable of all, as it contains a list of upwards of two thousand five hundred Wills, Inventories, and Testamentary Depositions, which hitherto have been inaccessible to students, but which have now been arranged and indexed by Mr. Price, the Registrar's Clerk, and can be consulted at the Bishop's Registry. They appear to be Wills about which some litigation has occurred at an early period, and, being taken out of their proper bundles for exhibition in the Chancellor's Court, have never been returned, so that when the Cheshire and Lancashire Wills were removed from the Bishop's Registry in 1847 these remained behind, and since that date have lain unsorted in several large boxes at the Registry. Mr. Price is now engaged in indexing a still larger mass of material down to the year 1700, and the Society hopes to publish this index in a subsequent Miscellaneous Volume. This section of the Volume has been edited by Mr. Irvine.

For the current year the second volume of Mr. W. A. Shaw's "Plundered Minister's Accounts" for Lancashire and Cheshire, 1654 to 1660, is already complete, and will shortly be issued to the Members. The information in this volume is printed from the original documents in the Record Office, London, the British Museum, the Bodleian Library, Oxford, and the Lambeth Library, and relates to the period of the Civil War, when the clergy of the parish churches in all parts of the country, who supported the Royalist side, were ejected from their livings, and their places supplied by those who were in sympathy with the Parliamentary party, then slowly gaining the upper hand. There is, therefore, hardly a parish in Lancashire and Cheshire of which some interesting particulars will not here be found, and that, too, relating to a time when, owing to the Civil War, the parish registers are very imperfect. In addition to this, a fourth Miscellaneous Volume is now in the press which will contain a list of Cheshire Freeholders for the year 1579, with a complete account of the weapons they were required to furnish, and the two Earliest Volumes of Ordinations from the Episcopal Registry at Chester, from the year 1541 to 1608.

The Council consider that the Society is to be congratulated on the progress that has been made in bringing the publications up to date, as at the last Annual Meeting, these were three years in arrear, but now, not only has this been made up, but the volumes for the current year, as stated above, are almost ready for issue to the Members, and two further volumes, one edited by Colonel Fishwick, a continuation of Volume XXXII., and another volume of Royalist Composition Papers, edited by the Rev. J. H. Stanning, M.A., are now in the press.

While there is this subject for congratulation, the smallness of the membership is a matter that should receive the earnest consideration of all interested in the history of the two Counties, as shortness of funds means a serious crippling of the excellent work which the Society is doing, and it is incumbent on all to use every possible effort to increase the membership so that the work be not hindered.

The following is the complete list of the Society's publications already printed up to the present time :—

- | | | |
|----------|---|--|
| 1878-79. | { | I. Commonwealth Church Survey. |
| | | II. Index to the Wills at Chester, 1545 to 1620. |
| 1879-80. | { | III. Lancashire Inquisitions. Stuart Period. |
| | | Part I. 1603 to 1613. |
| 1880-81. | { | IV. Index to the Wills at Chester, 1621 to 1650. |
| | | V. The Register of Prestbury, co. Chester, 1560 to 1636. |
| 1881-82. | { | VI. Cheshire and Lancashire Funeral Certificates, 1600 to 1678. |
| 1882-83. | { | VII. Lancashire and Cheshire Records. Part I. |
| | | VIII. Lancashire and Cheshire Records. Part II. |
| 1883-84. | { | IX. Preston Guild Rolls, 1397-1682. |
| | | X. Index to the Lancashire Wills proved at Richmond, 1457 to 1680. |
| 1884-85. | { | XI. Exchequer Depositions, 1558 to 1702. |
| | | XII. Miscellanies, Lancashire and Cheshire, Vol. I. |
| 1885-86. | { | XIII. Index to the Lancashire Wills proved at Richmond, 1680 to 1748. |
| | | XIV. Annales Cestrienses. |
| 1886-87. | { | XV. Index to the Wills at Chester, 1660-1680. |
| | | XVI. Lancashire Inquisitions. Stuart Period. |
| | | Part II. 1614 to 1622. |
| 1887-88. | { | XVII. Lancashire Inquisitions. Stuart Period. |
| | | Part III. 1622 to 1625. |
| | | XVIII. Index to the Wills at Chester, 1681 to 1700. |
| 1888-89. | { | XIX. Civil War in Cheshire. |
| | | XX. Index to the Wills at Chester, 1701 to 1720. |
| 1889-90. | { | XXI. The Register of Leyland, co. Lancaster, 1653 to 1715. |
| | | XXII. Index to the Wills at Chester, 1721 to 1740. |
| 1890-91. | { | XXIII. Index to the Lancashire Wills proved at Richmond, 1748 to 1792. |
| | | XXIV. The Royalist Composition Papers relating to Lancashire. Vol. I. A and B. |
| 1891-92. | { | XXV. Index to the Wills at Chester, 1741 to 1760. |
| | | XXVI. The Royalist Composition Papers relating to Lancashire. Vol. II. C to F. |

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| 1892-93. | { | XXVII. Lancashire Lay Subsidies, Henry III. to Edward I. |
| | { | XXVIII. Plundered Ministers' Accounts, Lancashire and Cheshire. Part I. 1643-1654. |
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| | { | XXX. A Collection of Lancashire and Cheshire Wills. |
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| | { | XXXII. Pleadings and Depositions in the Duchy Court of Lancaster. |
| 1895-96. | { | XXXIII. Miscellanies, Lancashire and Cheshire, Vol. III. |

 The Council must again refer to Rule 5, under which no volume can be delivered to any Member whose subscription is in arrear.

THE
RECORD SOCIETY

FOR THE
PUBLICATION OF ORIGINAL DOCUMENTS
RELATING TO
LANCASHIRE AND CHESHIRE.

Council, 1899-1900.

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WM. FERGUSSON IRVINE, *4, Eaton Road, Birkenhead*, HON. SECRETARY.

Court of Lancaster for the reign of Edward VI. to Queen Mary. Nearly the whole volume is now in type, and it is hoped that it may be issued to the members at an early date.

Major Parker's volume, a Calendar of the Assize Rolls for Lancashire to the reign of Edward I., is also in the press, and it is expected to be ready for issue as the second volume for the current year. The Council look forward to this Calendar, dealing as it does with an early period of Lancashire history, with special interest, and believe that it will prove extremely useful to all students of our early Institutions, as well as invaluable to those engaged in genealogical and topographical research.

It is with deep regret that the Council have to record the death of Mr. J. E. Worsley, F.S.A., one of their number, who was a member of the Society from its commencement, and for many years discharged the duty of Auditor. Mr. Worsley always took the greatest interest in the work of the Society, and did much to further the cause of Local History in Lancashire.

In conclusion, the Council have once more to call attention to the serious manner in which their work is hampered by lack of support, and they call once more upon all the subscribers to do their best to secure more members.

The following is a complete list of the Society's publications already printed up to the present time :—

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II. Index to the Wills at Chester, 1545 to 1620. |
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